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CONSULTATION LETTERS

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Department of Energy
Washington, DC 20585

30 November 2004

Ms. Dawn. R. Gallagher
Commissioner
Department of Environmental Protection
State of Maine
17 State House Station
Augusta, ME 04333-0017

SUBJECT: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Ms. Gallagher:

The Department of Energy (DOE) is considering an application by Bangor Hydro-Electric Company (BHE) to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) the Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment, and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

Accordingly, DOE has published in the *Federal Register* a "Notice of Intent to Prepare an EIS and to Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement" (69 FR 63514, 2 November 2004; copy enclosed). Three public scoping meetings were held in Baileyville, ME, on 17 November, and in South Lincoln and Brewer, ME, on 18 November; the public comment period will continue until 2 December 2004. (However, comments received after that date will be considered to the extent practicable.)

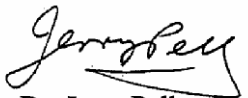
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The main text of the BHE application is on the DOE Office of Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under "Pending Proceedings" and "PP-89-1." Additional information and detailed descriptions of the proposed project may be found on DOE's project web site at <http://web.ead.anl.gov/interconnecteis/> and also on BHE's web site at <http://www.bhe.com/nri>.

In accordance with the regulations implementing the procedural provisions of NEPA, specifically 40 CFR 1501.6, DOE is inviting your Department of Environmental Protection to participate in the preparation of this EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. Other potential cooperating agencies include, but may not be limited to, the U.S. Department of the Interior's Bureau of Indian Affairs and Fish and Wildlife Service, the National Oceanic and Atmospheric Administration National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency. In accordance with NEPA requirements, DOE and any cooperating agencies will prepare an EIS on this proposal to inform decision makers and the public about potential environmental effects of the proposed action and reasonable alternatives.

Please feel free to contact me directly by e-mail at Jerry.Pell@hq.doe.gov, by phone at 202-586-3362, or by fax at 202-318-7761. We look forward to working with you and your representatives during the course of this pending Presidential permit proceeding.

Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

Enclosure



Department of Energy
Washington, DC 20585

30 November 2004

Ms. Elizabeth Higgins, Director
Office of Environmental Review
Regional Administrator's Office
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023

SUBJECT: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Ms. Higgins:

The Department of Energy (DOE) is considering an application by Bangor Hydro-Electric Company (BHE) to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) the Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment, and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

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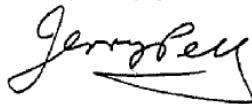
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In accordance with the regulations implementing the procedural provisions of NEPA, specifically 40 CFR 1501.6, DOE is inviting your EPA Region 1 Office to participate in the preparation of this EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. Other potential cooperating agencies include, but may not be limited to, the U.S. Department of the Interior's Bureau of Indian Affairs and Fish and Wildlife Service, the National Oceanic and Atmospheric Administration National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the Maine State Department of Environmental Protection. In accordance with NEPA requirements, DOE and any cooperating agencies will prepare an EIS on this proposal to inform decision makers and the public about potential environmental effects of the proposed action and reasonable alternatives.

Please feel free to contact me directly by e-mail at Jerry.Pell@hq.doe.gov, by phone at 202-586-3362, or by fax at 202-318-7761. We look forward to working with you and your representatives during the course of this pending Presidential permit proceeding.

Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

Enclosure



Department of Energy

Washington, DC 20585

30 November 2004

Mr. Franklin Keel
Regional Director
Eastern Regional Office
Bureau of Indian Affairs
711 Stewarts Ferry Pike
Nashville, TN 37214

SUBJECT: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Mr. Keel:

The Department of Energy (DOE) is considering an application by Bangor Hydro-Electric Company (BHE) to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) the Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment, and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

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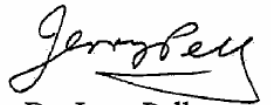
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The main text of the BHE application is on the DOE Office of Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under "Pending Proceedings" and "PP-89-1." Additional information and detailed descriptions of the proposed project may be found on DOE's project web site at <http://web.ead.anl.gov/interconnecteis/> and also on BHE's web site at <http://www.bhe.com/nri>.

In accordance with the regulations implementing the procedural provisions of NEPA, specifically 40 CFR 1501.6, DOE is inviting your Eastern Regional Office to participate in the preparation of this EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. Other potential cooperating agencies include, but may not be limited to, the U.S. Department of the Interior Fish and Wildlife Service, the National Oceanic and Atmospheric Administration National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the Maine State Department of Environmental Protection. In accordance with NEPA requirements, DOE and any cooperating agencies will prepare an EIS on this proposal to inform decision makers and the public about potential environmental effects of the proposed action and reasonable alternatives.

Please feel free to contact me directly by e-mail at Jerry.Pell@hq.doe.gov, by phone at 202-586-3362, or by fax at 202-318-7761. We look forward to working with you and your representatives during the course of this pending Presidential permit proceeding.

Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

Enclosure



Department of Energy
Washington, DC 20585

30 November 2004

COL Thomas Koning
District Engineer
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742

SUBJECT: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear COL Koning:

The Department of Energy (DOE) is considering an application by Bangor Hydro-Electric Company (BHE) to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

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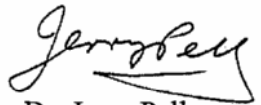
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The main text of the BHE application is on the DOE Office of Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under "Pending Proceedings" and "PP-89-1." Additional information and detailed descriptions of the proposed project may be found on DOE's project web site at <http://web.ead.anl.gov/interconnecteis/> and also on BHE's web site at <http://www.bhe.com/nri>.

In accordance with the regulations implementing the procedural provisions of NEPA, specifically 40 CFR 1501.6, DOE is inviting your District Office to participate in the preparation of this EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. Other potential cooperating agencies include, but may not be limited to, the U.S. Department of the Interior's Bureau of Indian Affairs and Fish and Wildlife Service, the National Oceanic and Atmospheric Administration National Marine Fisheries Service, the U.S. Environmental Protection Agency, and the Maine State Department of Environmental Protection. In accordance with NEPA requirements, DOE and any cooperating agencies will prepare an EIS on this proposal to inform decision makers and the public about potential environmental effects of the proposed action and reasonable alternatives.

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Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

Enclosure



Department of Energy

Washington, DC 20585

30 November 2004

Patricia A. Kurkul
Regional Administrator
Northeast Regional Office
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930-2298

SUBJECT: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Ms. Kurkul:

The Department of Energy (DOE) is considering an application by Bangor Hydro-Electric Company (BHE) to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

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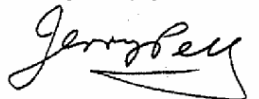
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Please feel free to contact me directly by e-mail at Jerry.Pell@hq.doe.gov, by phone at 202-586-3362, or by fax at 202-318-7761. We look forward to working with you and your representatives during the course of this pending Presidential permit proceeding.

Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

Enclosure



Department of Energy
Washington, DC 20585

30 November 2004

Mr. Marvin Moriarty
Regional Director, Region 5
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

SUBJECT: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Mr. Moriarty:

The Department of Energy (DOE) is considering an application by Bangor Hydro-Electric Company (BHE) to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

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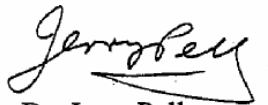
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Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

711 Stewarts Ferry Pike

Nashville, TN 37214

Trust Services
Natural Resources

DEC 07 2004

Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585

RE: Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydroelectric Company (BHE)

Dear Dr. Pell:

This letter is in response to your letter dated on 30 November 2004 regarding the subject EIS. The letter, which is soliciting contributors and cooperating agencies for preparation of the subject EIS, has no indication of adequate consultations with the Maine Tribes that will be directly affected by this project. The Bureau of Indian Affairs (BIA) offers the following comments on the issues of Federal consultations with Federally-recognized Indian Tribes and consultations prescribed by Section 106 of the National Historic Preservation Act (NHPA) and the potential need for BIA involvement in development of the EIS.

It is within the mission of all governmental departments to carry out the government-to-government relationship that exists between the United States and the Federally-recognized American Indian tribes. Furthermore, each Federal agency must consider the impact their actions have on the responsibilities the United States has as a trustee for property and resources of Federally-recognized tribes and individual American Indians. Covelo Indian Cmty. v. FERC, 895 F.2d 581, 586 (9th Cir. 1990)

The "Northeast Reliability Interconnect" project is located within an area to which the Passamaquoddy Indian Tribe and the Penobscot Indian Nation hold lands and attach religious and cultural significance. Accordingly, pursuant to the trust obligation of the U.S. Government and Section 106 of NHPA, such tribes must be consulted about cultural and natural resources affected by this project, including consultations regarding the identification of cultural properties, the appropriate scope of the Area of Potential Effects (APE), and the development of the required National Environmental Policy Act (NEPA) documents to include any Historic Properties Management Plan. Regulations implementing the NHPA are especially pertinent in illustrating Federal obligations:

The National Historic Preservation Act requires the Agency Official to consult with any Indian tribe. . .that attaches religious and cultural significance to historic properties that may be affected by an undertaking. Such Indian tribe. . .shall be a consulting party.

(A) The Agency Official shall ensure that consultation in the Section 106 process provides the Indian tribe. . .a reasonable opportunity to identify its concerns about historic properties, advise on identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. It is the responsibility of the Agency Official to make a reasonable and good faith effort to identify Indian tribes. . .that shall be consulted in the Section 106 process. Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.

(C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal government and Indian tribes. The Agency Official shall consult with representatives designated or identified by the tribal government. . .Consultation with Indian tribes. . .should be conducted in a matter sensitive to the concerns and needs of the Indian tribe. . .

(D) When Indian tribes. . .attach religious and cultural significance to historic properties off tribal lands, Section 101(d)(6)(B) of the Act requires Federal agencies to consult with such Indian tribes. . .in the Section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal or ceded lands of Indian tribes. . .and should consider that when complying with the procedures in this part. 36 C.F.R. § 800.2(c)(2)(B)(ii)

Regulations contemplate that Indian tribes be provided both a meaningful and early opportunity to participate in the NEPA and Section 106 planning processes. The regulations further require that the agency make a reasonable and good faith effort to identify historic properties that may be affected by the undertaking and gather sufficient information to evaluate the eligibility of these properties for the National Register. 36 C.F.R. § 800.4(b) Consultation is identified as one component of such identification efforts, along with background research, oral history interviews, sample field investigation and field survey. 36 C.F.R. § 800.4(b)(1)

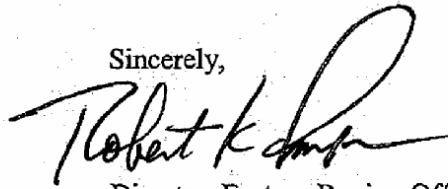
At this stage of environmental analysis, the BIA would like to remind the Department of Energy that several authorities suggest that more than a simple public comment opportunity by the tribe is required to comply. For example, in Pueblo of Sandia v. United States, the Tenth Circuit held that sending letters to a tribe requesting specific information on religious sites did not constitute the reasonable effort. 50 F.3d 856 (10th Cir. 1995) Similarly, Executive Order 13,175 recognizes the unique legal relationship with Indian tribal governments and requires that each agency/department ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Exec. Order No. 13,175, Sec. 5(a) (November 6, 2000) Pursuant to this Order, the BIA's Government-to-Government Consultation Policy

defines one component of consultation as having the input and recommendations of Indian Tribes on such proposed action fully considered by those officials responsible for the final decision. The BIA policy also states that consultation does not mean merely the right of tribal officials, as members of the general public, to be consulted, or to provide comments, under the Administrative Procedures Act or other Federal Law of general applicability. As the lead Federal agency charged with carrying out the United States' relationship with Indian tribal governments, BIA's position on what constitutes appropriate consultation is particularly illustrative.

Accordingly, the BIA urges the Department of Energy to engage interested Indian tribes early in this process and to provide such tribes a meaningful opportunity to consult directly on properties of religious, cultural, and natural resource significance that may be affected by this project.

If this project will directly affect Indian lands, the BIA will need to become a cooperating agency for this project. If there is a direct impact, please contact Kurt Chandler, Environmental Scientist, of the Eastern Region Office (ERO) of the BIA at (615) 467-1677. If you have any questions or need additional information regarding the Section 106 or trust issues, please contact Dr. Jim Kardatzke, Ecologist/Branch Chief, of the ERO Natural Resources Branch at (615) 467-1675.

Sincerely,



Director, Eastern Region Office
Acting

Cc: The Honorable Robert Newell, Governor
Passamaquoddy Tribe – Indian Township Reservation
P.O. Box 301
Princeton, ME 04668

The Honorable Melvin Francis, Governor
Passamaquoddy Tribe – Pleasant Point Reservation
P.O. Box 343
Perry, ME 04667

The Honorable James Sappier, Chief
Penobscot Indian Nation
6 River Road
Indian Island, ME 04468



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



RE: Docket No. PP-89-1

January 6, 2005

Dr. Jerry Pell
Office of Fossil Energy (FE-27)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

Dear Dr. Pell:

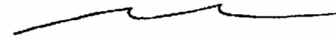
This is in response to the Department of Energy's (DOE) November 30, 2004 letter inviting the U.S. Fish and Wildlife Service (Service) to participate in the preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project being proposed by Bangor Hydro Electric Company (BHEC) in Maine. As you know, the Fish and Wildlife Service (through our Maine Field Office located in Old Town, Maine) has already been active in the planning and review of this project. For instance, in the fall of 2003, we participated in a "stakeholders" process led by BHEC to assist in the selection of the preferred route for the proposed 345-kV electric transmission line. We have also participated in several meetings or site visits that focused on evaluating potential impacts to the federally-endangered Atlantic salmon and its habitat. Most recently, we provided a letter on December 1, 2004 offering scoping comments to DOE to assist in the preparation of an EIS for this project.

The Service, through our Maine Field Office, can participate as a cooperating agency in the development of DOE's EIS. Our role will be to provide DOE with technical assistance in our areas of expertise, such as protection of wetlands and threatened and endangered species, as we have already done in our December 1, 2004 letter. We will continue to offer technical assistance to DOE and BHEC through participation in meetings and site visits, and by reviewing and commenting on your draft EIS. We will also continue to provide DOE with up-to-date information related to federally-endangered or threatened species that could be affected by this project. Unfortunately, we do not have sufficient resources to more actively participate in the actual development and writing of the EIS.

- 2 -

Thank you for the opportunity to participate as a cooperating agency in the preparation of the EIS for the Northeast Reliability Interconnect project. If you have any questions, please contact Wende Mahaney in our Maine Field Office at 207-827-5938, extension 20.

Sincerely yours,



Michael J. Bartlett
Supervisor
New England Field Office

- 3 -

cc: Jay Clement, ACOE - Manchester, ME
Sean McDermott, NMFS - Gloucester, MA
Jeff Murphy, NMFS - Orono, ME
Stacie Beyer, MEDEP - Bangor, ME
Marjorie Snyder, USFWS - Hadley, MA
Reading file
ES: WMahaney:1-6-05:207-827-5938



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JAN 7 2005

Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, D.C. 20585

Re: Participation in the Preparation of the Environmental Impact Statement for the
"Northeast Reliability Interconnect"

Dear Mr. Pell:

This is in response to your letter dated November 30, 2004 requesting the National Marine Fisheries Service (NOAA Fisheries) participate as a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the Bangor Hydro-Electric Company's (BHE) application to amend Presidential Permit PP-89. Presidential Permit PP-89 authorizes BHE to construct a single-circuit 345 kV electric transmission line across the U.S. international boarder in the vicinity of Baileyville, Maine. NOAA Fisheries agrees to participate as a cooperating agency to help advance effective interagency coordination on the EIS for the BHE project.

Our role and degree of involvement as a cooperator is dependent on existing staff and fiscal resource capabilities. Our contributions generally will be limited to scoping, identification of issues and topics that need consideration and evaluation in the EIS, review of documents, and routine attendance at meetings. We are not in a position to undertake data collection, conduct EIS analyses, or prepare sections of the draft or final EIS, as staff and resources are fully tasked in other obligatory NOAA Fisheries programs.

If you have any questions pertaining to this letter, please contact Sean McDermott of my staff at (978)-281-9113. We look forward to exploring the issues associated with Bangor Hydro-Electric Company's proposed electric transmission line as it moves through the public and regulatory review process.

Sincerely,

Patricia A. Kurkul
Regional Administrator





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JAN 21 2005

Gil A. Paquette
Project Manager
TRC Environmental Corporation
125 John Roberts Road
Unit 14
South Portland, Maine 04106

Re: Bangor Hydro-Electric Company's Proposed Northeast Reliability Interconnect Project

Dear Mr. Paquette:

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the information provided regarding the proposed Northeast Reliability Interconnect project (NRI), a 345kV electric transmission line between Orrington and Bailyville, Maine. TRC Environmental Corporation and Devine Tarbell & Associated, Inc., on behalf of Bangor Hydro-Electric Company, requested information regarding federally listed Atlantic salmon and shortnose sturgeon, essential or critical habitat for these species, and other fisheries and natural resources within the project area. Based on the mapped proposed route, NOAA Fisheries offers the following information.

Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies such as the Department of Energy to consult with the Secretary of Commerce regarding any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH) identified under the MSA. Broadly defined, EFH includes "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." This includes currently utilized and historic habitat.

The proposed NRI route crosses multiple streams, including several designated EFH's for Atlantic salmon. Enclosed is a list of the streams, as identified from the provided USGS quadrangle excerpts, designated EFH for Atlantic salmon.

An EFH assessment, in consultation with the federal action agency, will be required for this project. The required contents of an EFH assessment include:

- 1) A description of the action.



- 2) An analysis of the potential adverse effects of the action on EFH and the managed species.
- 3) The federal agency's conclusions regarding the effects of the action on EFH.
- 4) Proposed mitigation, if applicable.

Other information that should be contained in the EFH assessment, if appropriate, includes the results of on-site inspections to evaluate the habitat and site-specific effects; the views of recognized experts on the habitat or the species that may be affected; a review of pertinent literature and related information; and an analysis of alternatives to the action that could avoid or minimize the adverse effects on EFH.

Project activities and associated impacts in and adjacent to those streams identified as EFH should be considered when compiling information that may be used by the federal action agency in preparing an EFH assessment.

Endangered Species Act

Shortnose sturgeon are not known to occur within the area affected by the proposed project. Therefore, no consultation pursuant to Section 7 of the Endangered Species Act (ESA) is necessary for shortnose sturgeon. However, listed Atlantic salmon are present within several streams and rivers that will be affected by the proposed transmission line including, but not limited to, the Narraguagus River, Machias River, Fletchers Brook, Lanpher Brook, Huntley Brook, and Joe Brook. The Gulf of Maine Distinct Population Segment (DPS) of Atlantic salmon (*Salmo salar*) was listed as endangered under the ESA on November 17, 2000. The Atlantic salmon DPS encompasses all naturally reproducing remnant populations of Atlantic salmon from the Kennebec River downstream of the former Edwards Dam site, northward to the mouth of the St. Croix River. The DPS includes the Dennys, East Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot Rivers, and Cove Brook. Cove Brook is a tributary of the Penobscot River. Thus, the project is located within the geographic range of the DPS and has the potential to affect the listed salmon. The U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries, collectively called the Services, jointly listed the Gulf of Maine DPS. For projects in the freshwater environment (above head of tide), the Services have agreed that all comments and correspondence regarding consultation under Section 7 of the ESA will be channeled through the USFWS. Therefore, consultation pursuant to Section 7 of the ESA for impacts on Atlantic salmon will be with the USFWS. No other federally listed or proposed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of NOAA Fisheries are known to exist in the project impact area. Therefore, no further consultation with NOAA Fisheries is required. Should project plans change or new information become available that changes the basis of this determination, consultation should be initiated.

Fish and Wildlife Coordination Act

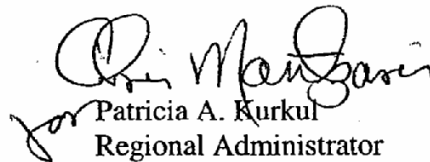
Portions of the proposed route may affect habitat suitable for American eel, alewife, and blueback herring, particularly in areas proximate to the Machias, Narraguagus, and Penobscot Rivers. Site specific information for these species will be required.

Conclusion

At this time, NOAA Fisheries has determined that shortnose sturgeon and designated critical habitat are not found within the NRI route. No further consultation with NOAA Fisheries under Section 7 of the ESA will be required. Habitat designated EFH for Atlantic salmon will be affected by the project, therefore, an EFH assessment will be required of the federal action agency. Other species may be affected, such as American eel and herring, however, site specific information is required to evaluate potential impacts.

NOAA Fisheries appreciates the opportunity to provide comments and technical assistance during the early phases of project development. If you have any questions, please contact Sean McDermott of my staff at 978-281-9113 for EFH concerns, or Sara McNulty at 978-281-9328, ext. 6520, for ESA matters.

Sincerely,


for Patricia A. Kurkul
Regional Administrator

Enclosure

cc: Jerry Pell, DOE
Wende Mahaney, USFWS
Norm Dube, ASC
Steve Timpano, ME IF&W
Stacie Beyer, ME DEP
Brian Swan, MEDMR

**EFH Waterbodies Crossed
Consolidated Route
(as obtained by USGS quad sheets)**

| <u>Waterbody</u> | <u>Drainage</u> |
|----------------------------------|------------------------|
| St Croix River/Woodland Flowage | St. Croix |
| Allen Stream | East Machias |
| Trib to Joe Brook | East Machias |
| Joe Brook | East Machias |
| Trib to Huntley Brook | East Machias |
| Huntley Brook | East Machias |
| Lanpher Brook | Machias |
| Trib to First Machias Lake | Machias |
| Machias River | Machias |
| Trib to Fletcher Brook | Machias |
| Trib to Fifth Machias Lake | Machias |
| Trib to Fifth Machias Lake | Machias |
| Trib to Fifth Machias Lake | Machias |
| Trib to Lower Sabao Lake | Machias |
| Trib to Lower Sabao Lake | Machias |
| Trib to Lower Sabao Lake | Machias |
| Trib to Lower Sabao Lake | Machias |
| Trib to Thompson Brook | Machias |
| Thompson Brook | Machias |
| Trib to Narraguagus River | Narraguagus |
| Allen Brook | Narraguagus |
| Narraguagus River | Narraguagus |
| Trib to W. Br. Narraguagus River | Narraguagus |
| Trib to W. Br. Narraguagus River | Narraguagus |
| Trib to W. Br. Narraguagus River | Narraguagus |
| Trib to W. Br. Narraguagus River | Narraguagus |
| Trib to W. Br. Narraguagus River | Narraguagus |
| Sunkhaze Stream | Penobscot |
| Great Works Stream | Penobscot |
| Blackman Stream | Penobscot |
| Trib to Eaton Brook | Penobscot |
| Eaton Brook | Penobscot |
| Trib to Felts Brook | Penobscot |
| Felts Brook | Penobscot |
| Trib to Felts Brook | Penobscot |
| Trib to Felts Brook | Penobscot |



Department of Energy
Washington, DC 20585

8 February 2005

Ms. Dawn. R. Gallagher
Commissioner
Department of Environmental Protection
State of Maine
17 State House Station
Augusta, ME 04333-0017

SUBJECT: ***FOLLOWUP TO:*** Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Ms. Gallagher:

I trust that you will recall our letter of 30 November 2004 inviting your Department of Environmental Protection to participate in the preparation of the subject EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. However, as of this writing, we have not received your reply.

Accordingly, we are proceeding on the assumption that you do not wish to participate. If this is incorrect, or if our earlier letter failed to reach you, please contact me at your earliest opportunity by e-mail at Jerry.Pell@hq.doe.gov (preferred), by phone at 202-586-3362, or by fax at 202-318-7761. Thank you for your interest in our activities.

Very truly yours,

A handwritten signature in cursive script, reading "Jerry Pell".

Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585



Department of Energy

Washington, DC 20585

8 February 2005

Ms. Elizabeth Higgins, Director
Office of Environmental Review
Regional Administrator's Office
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023

SUBJECT: ***FOLLOWUP TO:*** Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear Ms. Higgins:

I trust that you will recall our letter of 30 November 2004 inviting your EPA Office to participate in the preparation of the subject EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. However, as of this writing, we have not received your reply.

Accordingly, we are proceeding on the assumption that you do not wish to participate. If this is incorrect, or if our earlier letter failed to reach you, please contact me at your earliest opportunity by e-mail at Jerry.Pell@hq.doe.gov (preferred), by phone at 202-586-3362, or by fax at 202-318-7761. Thank you for your interest in our activities.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Pell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585



Department of Energy

Washington, DC 20585

8 February 2005

COL Thomas Koning
District Engineer
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742

SUBJECT: ***FOLLOWUP TO:*** Invitation to Participate in the Preparation of an Environmental Impact Statement (EIS) for the "Northeast Reliability Interconnect" project proposed by Bangor Hydro-Electric Company (BHE).

Dear COL Koning:

I trust that you will recall our letter of 30 November 2004 inviting the New England District of the Corps of Engineers to participate in the preparation of the subject EIS, either as a contributor in your area of expertise, or as a cooperating agency to ensure that any jurisdiction you may have by law will be adequately addressed in the document. However, as of this writing, we have not received your reply.

Accordingly, we are proceeding on the assumption that you do not wish to participate. If this is incorrect, or if our earlier letter failed to reach you, please contact me at your earliest opportunity by e-mail at Jerry.Pell@hq.doe.gov (preferred), by phone at 202-586-3362, or by fax at 202-318-7761. Thank you for your interest in our activities.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Pell", with a stylized flourish at the end.

Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, DC 20585



Department of Energy
Washington, DC 20585

February 23, 2005

Brenda Commander, Chief
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, ME 04730

**SUBJECT: Invitation to Consult on Bangor Hydro-Electric Company
Transmission Line Proposal**

Dear Chief Commander:

The Department of Energy (DOE) wishes to invite the Houlton Band of Maliseet Indians to consult with us regarding the Bangor Hydro-Electric Company (BHE) application to DOE to amend Presidential permit PP-89, which would authorize BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line, called the "Northeast Reliability Interconnect," would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, with the Fish and Wildlife Service (Department of the Interior) and the National Marine Fisheries Service (National Oceanic and Atmospheric Administration, Department of Commerce) as cooperating agencies.

We have authorized our contractor, Argonne National Laboratory (ANL) of DOE, to consult on our behalf in gathering comments and information during the course of the EIS preparation process. We will maintain the important government-to-government relationship that recognizes tribal governments as sovereign entities by closely monitoring ANL's communications with the Indian Nations, and by directly participating in the consultations as they progress. These consultations implement DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000). The entire Policy is available at <http://www.ci.doe.gov/indianbk.pdf>.

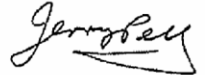
BHE has proposed four alternative routes, which they identify as the "Consolidated Corridors Route," the "Modified Consolidated Corridors Route," the "Previously Permitted Route," and the "MEPCO (Maine Electric Power Co.) South Route." The enclosed map shows the alternative routes and the locations of nearby tribal lands.

The BHE application, including associated maps and drawings, can be viewed and downloaded in its entirety from the Fossil Energy web site at http://www.fossil.energy.gov/programs/electricityregulation/Pending_Proceedings.html; scroll down to Pending Presidential Permit Application PP-89-1). Much additional information is also available at <http://web.ead.anl.gov/interconnecte/is/>, maintained for us by ANL, including transcripts of the Public Scoping meetings. Finally, BHE itself maintains a project web site at <http://www.bhe.com/nri/index.cfm>.

We would very much like to hear from you about any concerns or issues you may have regarding the proposed project, and any information you could share with us regarding possible cultural resource concerns. Of particular interest would be mitigation measures you would propose for construction projects that could affect cultural properties that you consider important. If available, we would welcome information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area. A copy of the "Notice of Intent to Prepare an EIS" that was published in the November 2, 2004, Federal Register is enclosed for your information and reference.

Please contact Ms. Konnie Wescott, ANL (tel: 630-252-5789, fax: 630-252-6090, email: Wescott@ANL.gov), with your comments or any questions about this project. We would appreciate hearing from you by 1 April 2005. Also, our contractor may contact your Cultural Preservation Office to discuss these matters further. Of course, also please feel free to contact me directly, as noted below.

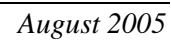
Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

Enclosures: Map
Federal Register Notice

cc: Sharri Venno, Environmental Planner
Bureau of Indian Affairs
Fish and Wildlife Service
NOAA Fisheries



63514

Federal Register / Vol. 69, No. 211 / Tuesday, November 2, 2004 / Notices

international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation (NB Power). DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans to conduct three public scoping meetings in the vicinity of the proposed transmission line, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the EIS. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

DATES: DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this notice in the *Federal Register* and will continue until December 2, 2004. Written and oral comments will be given equal weight, and DOE will consider all comments received or postmarked by December 2, 2004, in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Dates for the public scoping meetings are:

1. November 17, 2004; 7 p.m. to 9 p.m., Baileyville, Maine.
2. November 18, 2004; 1 p.m. to 3 p.m., South Lincoln, Maine.

3. November 18, 2004; 7 p.m. to 9 p.m., Brewer, Maine.

Requests to speak at a public scoping meeting(s) should be received by Dr. Jerry Pell at the addresses indicated below on or before November 10, 2004. Requests to speak may also be made at the scoping meetings when registering for the meetings. However, persons who submitted advance requests to speak will be given priority if time should be limited during the meetings.

ADDRESSES: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meeting(s) should be addressed to: Dr. Jerry Pell, Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585; facsimile: 202-318-7761, or electronic mail at Jerry.Pell@hq.doe.gov.

Please note that regular postal mail to DOE tends to be delayed because of anthrax screening. In order to avoid these delays, if you wish to comment by mail, we suggest that your response be submitted either by using overnight service, or that your letter first be sent to us by fax or e-mail, and then followed by regular mailing of the original documents.

The locations of the scoping meetings are:

1. Woodland Elementary School, 23 Fourth Avenue, Baileyville, Maine.
2. Mattanawcook Academy, 33 Reed Drive, Lincoln, Maine.
3. Jeff's Catering Banquet & Convention Center, East West Industrial Park, 5 Coffin Avenue, Brewer, Maine.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Dr. Pell by any of the means listed in the **ADDRESSES** section of this notice. The main text of the BHE application is on the DOE Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under Pending Proceedings and PP-89-1. The complete BHE application, including associated maps and drawings, can be obtained by contacting Dr. Jerry Pell as noted in the **ADDRESSES** section above. Additional information and a description of the proposed project may be found on the BHE project Web site at <http://www.bhe.com/nri>.

For general information on the DOE NEPA review process, contact:

Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, Washington, DC 20585; phone: 202-586-4600 or leave a message at 800-472-2756; facsimile: 202-586-7031.

DEPARTMENT OF ENERGY

[Docket No. PP-89-1]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement; Bangor Hydro-Electric Company

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to prepare an environmental impact statement and to conduct public scoping meetings, and notice of floodplain and wetlands involvement.

SUMMARY: Bangor Hydro-Electric Company (BHE) has applied to DOE to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S.

SUPPLEMENTARY INFORMATION:**Background and Need for Agency Action**

Executive Order 10485, as amended by Executive Order 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The Executive Order provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after concurrence by the Departments of State and Defense. In determining consistency with the public interest, DOE considers the impacts of the proposed project on the reliability of the U.S. electric power system and on the environment. The regulations implementing the Executive Order have been codified at 10 CFR 205.320–205.329. Issuance of the permit indicates that there is no Federal objection to the project, but does not mandate that the project be completed.

BHE originally applied to DOE for a Presidential permit on December 16, 1988. DOE published a notice of that application in the *Federal Register* on January 19, 1989 (54 FR 2201), and a Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings in the *Federal Register* on May 22, 1989 (54 FR 22006). In December 1993, DOE published the draft EIS titled, "Construction and Operation of the Proposed Bangor Hydro-Electric Company's Second 345-kV Transmission Tie Line to New Brunswick." (DOE/EIS-0166). DOE issued a final EIS in August 1995, and in a record of decision signed on January 18, 1996 (61 FR 2244), decided to grant Presidential Permit PP-89.

On January 22, 1996, DOE issued Presidential Permit PP-89 authorizing BHE to construct, operate, maintain, and connect a 345-kV electric transmission line that would extend eastward approximately 85 miles from BHE's existing Orrington Substation to the U.S.-Canada border near Baileyville, Maine. At the border, the proposed transmission line was to connect to similar facilities to be built by NB Power, a Crown corporation of Canada's Province of New Brunswick. However, the authorized facilities have not been constructed.

On September 30, 2003, BHE applied to DOE to amend Presidential Permit PP-89 to allow for the construction of the project along a different route than those routes analyzed in the 1995 EIS. Since the issuance of PP-89, a natural gas transmission line has been

constructed by Maritimes & Northeast Pipeline, L.L.C., in the same general vicinity as the BHE project and in a corridor approved by the State of Maine Department of Environmental Protection. The Board of Environmental Protection, Maine's primary environmental review entity, now has indicated its preference for BHE to consolidate the location of all utility facilities in the area by constructing the proposed electric transmission line along a route more closely aligned with the existing pipeline corridor.

The international transmission line now proposed by BHE is identical in design to the line originally analyzed in the 1995 EIS and authorized in Presidential Permit PP-89. It would be a single-circuit 345-kV alternating current transmission line consisting of two overhead shield wires and three phases with two conductors per phase. The transmission line is proposed to have a thermal capacity of at least 1,000 megawatts. The line would originate at BHE's existing Orrington Substation and extend eastward approximately 85 miles, crossing the U.S.-Canada border near Baileyville, Maine. In Canada, the BHE facilities would interconnect with similar facilities to be owned by NB Power and continue approximately 60 miles to the switchyard at the Point Lepreau Nuclear Generating Station. Canada's National Energy Board authorized construction of the Canadian portion of the facilities in May 2003. The proposed transmission line project that will be the subject of this EIS differs from the original project only in the proposed routes between the Orrington Substation and the international border crossing near Baileyville, Maine.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) The Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. BHE states that it has identified its preferred alternative by working with representatives of large landowners, operators of nearby electric and pipeline utility facilities, state and Federal agencies, local tribes, and interest groups to develop a matrix of environmental factors to consider for route selection. BHE also states that it considered stakeholder and public input it received through outreach efforts, mail communications, and electronically via the BHE project Web site. BHE states that the environmental factors it considered in selecting its preferred alternative included land use, wetlands and water bodies, flora, fauna,

fisheries, recreational and visual considerations, and cultural resources.

All alternative routes originate at the Orrington Substation and generally parallel an existing MEPCO transmission line and Maritimes & Northeast Pipeline for approximately 12 miles until they reach Blackman's Stream.

Consolidated Corridors route: From Blackman's Stream, this route continues northward paralleling the existing MEPCO transmission line and the Maritimes & Northeast Pipeline for an additional 8 miles until reaching Stud Mill Road. At Stud Mill Road, this route turns eastward generally paralleling Stud Mill Road and the Maritimes & Northeast Pipeline right-of-way for a distance of approximately 65 miles. The line would cross the international border at Baileyville, Maine, at the location previously permitted in PP-89.

Previously Permitted Route: From Blackman's Stream, this route turns eastward for approximately 3.5 miles before turning northward until it meets Stud Mill Road. This route then generally follows Stud Mill Road, but deviates from it in several locations before it crosses the international border at Baileyville, Maine.

MEPCO South Route: From Blackman's Stream, this route continues north to Chester along the MEPCO line. The route then heads east roughly paralleling State Route 6 before crossing the international border at Baileyville, Maine.

BHE's Preferred route: This route incorporates a majority of the Consolidated Corridors route but deviates from it in two locations based on input received from various stakeholders. BHE's preferred route follows the three other alternative routes from Orrington Substation until it reaches Blackman's Stream. From Blackman's Stream, this route follows the Previously Permitted route until Stud Mill Road, at which point it then follows the Consolidated Corridors route until the vicinity of the Maritimes & Northeast Pipeline Baileyville Compressor Station. Near the compressor station, the line deviates to the north of the Consolidated Corridors route to maintain approximately 3600 feet of separation between the transmission line and the Baileyville Compressor Station.

All four alternative routes would cross primarily commercial forest in regrowth. All four alternative routes also would cross 100-year floodplains and wetlands, including some waterfowl and wading bird habitat. The MEPCO South Route would cross the Penobscot River. All alternatives would cross both

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perennial and intermittent streams, and may cross the Machias, East Machias and Narraguagus Rivers or associated tributaries, depending on the alternative. Project activities would include clearing rights-of-way and access roads, digging tower footings, setting transmission towers, seeding/mulching and other erosion control work, and hanging transmission wires.

The EIS will consider the environmental impacts of constructing the proposed transmission line along these alternative routes and the No Action alternative. Under the No Action alternative, the EIS will analyze the impacts associated with "no action." Because the proposed action is the amendment of Presidential Permit PP-89 to allow construction of the proposed transmission line over a different route from that authorized by the permit, "no action" means that the permit would not be amended and that the original permit would remain in effect. This would mean that the proposed transmission line could be constructed only over the Previously Permitted route.

However, the EIS will consider any additional reasonable alternatives that result from comments received in response to the scoping process described in this notice. One alternative already identified by DOE is the rescission of Presidential Permit PP-89. Rescission of the permit would mean that the permitted transmission line could not be constructed. This alternative will address the environmental impacts that are reasonably foreseeable to occur if Presidential Permit PP-89 is rescinded but no new permit is issued. However, this would not necessarily result in maintenance of the status quo or no environmental impacts. It is possible that BHE and/or NB Power may take other actions to achieve the purpose of this project if the permitted or proposed transmission line is not built.

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The purpose of this notice is to solicit comments and suggestions for consideration in the preparation of the EIS. As background for public comment, this notice contains a list of potential environmental issues that DOE has tentatively identified for analysis. This list is not intended to be all-inclusive or to imply any predetermination of impacts. Following is a preliminary list of issues that may be analyzed in the EIS:

(1) Socioeconomic and recreational impacts of development of the land tracts and their subsequent uses;

(2) Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats, including the bald eagle, Atlantic salmon, and shortnose sturgeon;

(3) Impacts on floodplains and wetlands;

(4) Impacts on archaeological, cultural, or historic resources;

(5) Impacts on human health and safety;

(6) Impacts on existing and future land uses;

(7) Visual impacts; and

(8) Disproportionately high and adverse impacts on minority and low-income populations, also known as environmental justice considerations.

Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth, and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. The scoping process is intended to involve all interested agencies (Federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Potential cooperating agencies may include but may not be limited to the U.S. Department of the Interior's Fish and Wildlife Service and Bureau of Indian Affairs, the National Marine Fisheries Service, the State of Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers. Public scoping meetings will be held at the locations, dates, and times indicated above under the DATES and ADDRESSES sections. These scoping meetings will be informal. The presiding officer will establish only those procedures needed to ensure that everyone who wishes to speak has a chance to do so and that DOE understands all issues and comments. Speakers will be allocated approximately 5 minutes for their oral statements. Depending upon the number of persons wishing to speak, the presiding officer may allow longer times for representatives of organizations. Consequently, persons wishing to speak on behalf of an organization should identify that organization in their request to speak. Persons who have not submitted a request to speak in advance may register to speak at the scoping meeting(s), but advance requests are encouraged. Meetings will begin at the times specified and will continue until all those present who wish to participate have had an opportunity to

do so. Should any speaker desire to provide for the record further information that cannot be presented within the designated time, such additional information may be submitted in writing by the date listed in the DATES section. Oral, written, and electronic (*i.e.*, by facsimile or by e-mail) comments will be impartially considered and given equal weight by DOE.

Draft EIS Schedule and Availability

The Draft EIS is scheduled to be issued in June 2005, at which time its availability will be announced in the **Federal Register** and local media and public comments again will be solicited. The Draft EIS will be made available for public inspection at several public libraries and reading rooms in Maine, and notice of these locations will be provided in the **Federal Register** and local media at a later date. However, readers are cautioned that many considerations enter into the preparation of the Draft EIS and the actual issuance date may differ from the above.

People who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the Draft EIS for review and comment when it is issued should notify Dr. Pell as provided in the ADDRESSES section above.

Issued in Washington, DC, on October 27, 2004.

Steven V. Cary,

Acting Assistant Secretary, Office of Environment, Safety and Health.

[FR Doc. 04-24404 Filed 11-1-04; 8:45 am]

BILLING CODE 6450-01-P

**Department of Energy**

Washington, DC 20585

February 23, 2005

Melvin Francis, Governor
Pleasant Point Passamaquoddy Reservation
9 Sakom Road, Pleasant Point
P.O. Box 100
Perry, ME 04667-0100

**SUBJECT: Invitation to Consult on Bangor Hydro-Electric Company
Transmission Line Proposal**

Dear Governor Francis:

The Department of Energy (DOE) wishes to invite the Pleasant Point Passamaquoddy Reservation to consult with us regarding the Bangor Hydro-Electric Company (BHE) application to DOE to amend Presidential permit PP-89, which would authorize BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line, called the "Northeast Reliability Interconnect," would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, with the Fish and Wildlife Service (Department of the Interior) and the National Marine Fisheries Service (National Oceanic and Atmospheric Administration, Department of Commerce) as cooperating agencies.

We have authorized our contractor, Argonne National Laboratory (ANL) of DOE, to consult on our behalf in gathering comments and information during the course of the EIS preparation process. We will maintain the important government-to-government relationship that recognizes tribal governments as sovereign entities by closely monitoring ANL's communications with the Indian Nations, and by directly participating in the consultations as they progress. These consultations implement DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000). The entire Policy is available at <http://www.ci.doe.gov/indianbk.pdf>.

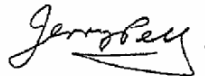
BHE has proposed four alternative routes, which they identify as the "Consolidated Corridors Route," the "Modified Consolidated Corridors Route," the "Previously Permitted Route," and the "MEPCO (Maine Electric Power Co.) South Route." The enclosed map shows the alternative routes and the locations of nearby tribal lands.

The BHE application, including associated maps and drawings, can be viewed and downloaded in its entirety from the Fossil Energy web site at http://www.fossil.energy.gov/programs/electricityregulation/Pending_Proceedings.html; scroll down to Pending Presidential Permit Application PP-89-1). Much additional information is also available at <http://web.ead.anl.gov/interconnecteis/>, maintained for us by ANL, including transcripts of the Public Scoping meetings. Finally, BHE itself maintains a project web site at <http://www.bhe.com/nri/index.cfm>.

We would very much like to hear from you about any concerns or issues you may have regarding the proposed project, and any information you could share with us regarding possible cultural resource concerns. Of particular interest would be mitigation measures you would propose for construction projects that could affect cultural properties that you consider important. If available, we would welcome information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area. A copy of the "Notice of Intent to Prepare an EIS" that was published in the November 2, 2004, Federal Register is enclosed for your information and reference.

Please contact Ms. Konnie Wescott, ANL (tel: 630-252-5789, fax: 630-252-6090, email: Wescott@ANL.gov), with your comments or any questions about this project. We would appreciate hearing from you by 1 April 2005. Also, our contractor may contact your Cultural Preservation Office to discuss these matters further. Of course, also please feel free to contact me directly, as noted below.

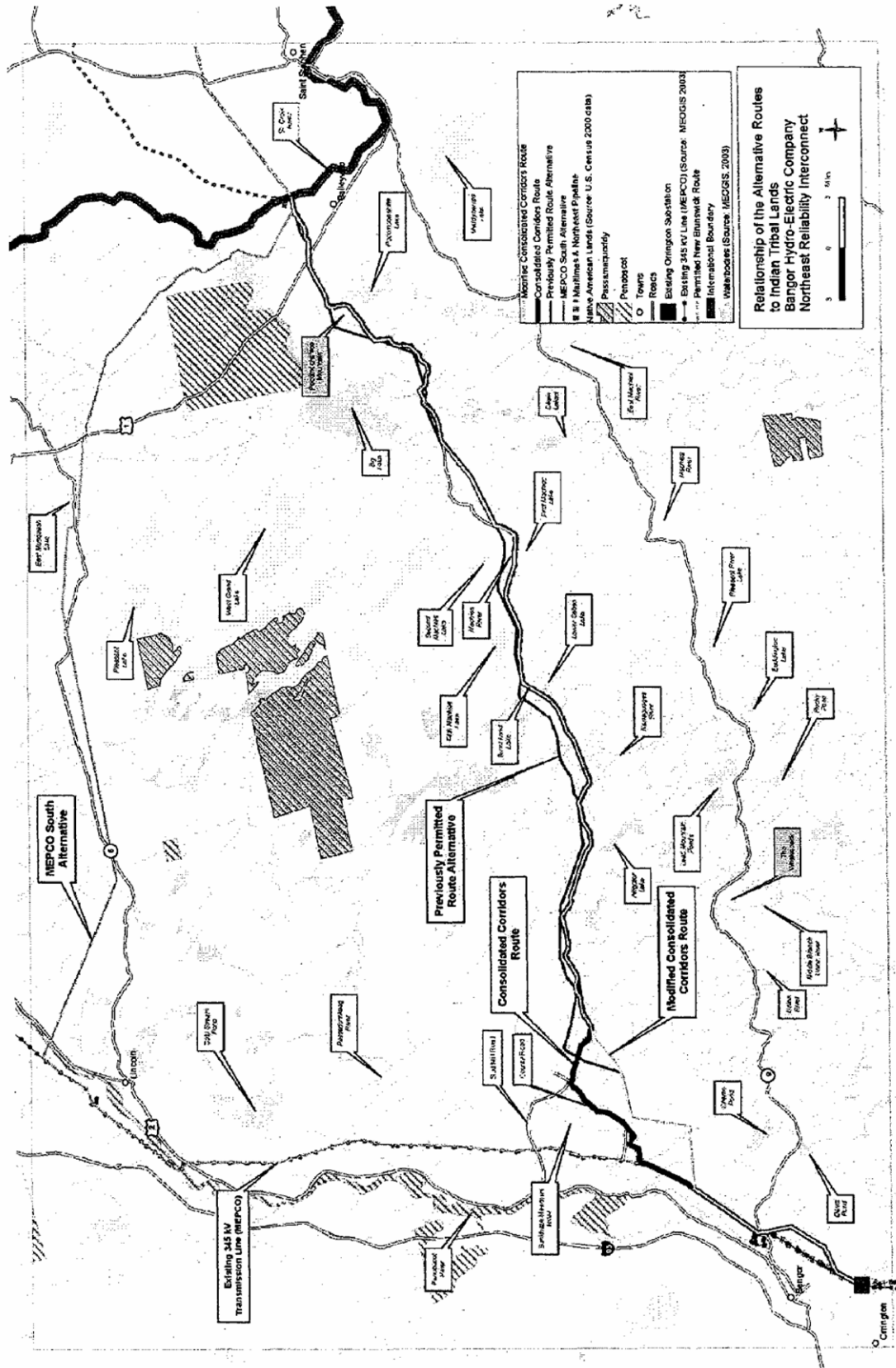
Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

Enclosures: Map
Federal Register Notice

cc: Steve Crawford, Environmental Planner
Bureau of Indian Affairs
Fish and Wildlife Service
NOAA Fisheries



international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation (NB Power). DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans to conduct three public scoping meetings in the vicinity of the proposed transmission line, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the EIS. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

DATES: DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this notice in the *Federal Register* and will continue until December 2, 2004. Written and oral comments will be given equal weight, and DOE will consider all comments received or postmarked by December 2, 2004, in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Dates for the public scoping meetings are:

1. November 17, 2004; 7 p.m. to 9 p.m., Baileyville, Maine.
2. November 18, 2004; 1 p.m. to 3 p.m., South Lincoln, Maine.

3. November 18, 2004; 7 p.m. to 9 p.m., Brewer, Maine.

Requests to speak at a public scoping meeting(s) should be received by Dr. Jerry Pell at the addresses indicated below on or before November 10, 2004. Requests to speak may also be made at the scoping meetings when registering for the meetings. However, persons who submitted advance requests to speak will be given priority if time should be limited during the meetings.

ADDRESSES: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meeting(s) should be addressed to: Dr. Jerry Pell, Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585; facsimile: 202-318-7761, or electronic mail at Jerry.Pell@hq.doe.gov.

Please note that regular postal mail to DOE tends to be delayed because of anthrax screening. In order to avoid these delays, if you wish to comment by mail, we suggest that your response be submitted either by using overnight service, or that your letter first be sent to us by fax or e-mail, and then followed by regular mailing of the original documents.

The locations of the scoping meetings are:

1. Woodland Elementary School, 23 Fourth Avenue, Baileyville, Maine.
2. Mattanawcook Academy, 33 Reed Drive, Lincoln, Maine.
3. Jeff's Catering Banquet & Convention Center, East West Industrial Park, 5 Coffin Avenue, Brewer, Maine.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Dr. Pell by any of the means listed in the **ADDRESSES** section of this notice. The main text of the BHE application is on the DOE Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under Pending Proceedings and PP-89-1. The complete BHE application, including associated maps and drawings, can be obtained by contacting Dr. Jerry Pell as noted in the **ADDRESSES** section above. Additional information and a description of the proposed project may be found on the BHE project Web site at <http://www.bhe.com/nri>.

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DEPARTMENT OF ENERGY

[Docket No. PP-89-1]

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AGENCY: Department of Energy (DOE).

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SUMMARY: Bangor Hydro-Electric Company (BHE) has applied to DOE to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S.

SUPPLEMENTARY INFORMATION:**Background and Need for Agency Action**

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Draft EIS Schedule and Availability

The Draft EIS is scheduled to be issued in June 2005, at which time its availability will be announced in the **Federal Register** and local media and public comments again will be solicited. The Draft EIS will be made available for public inspection at several public libraries and reading rooms in Maine, and notice of these locations will be provided in the **Federal Register** and local media at a later date. However, readers are cautioned that many considerations enter into the preparation of the Draft EIS and the actual issuance date may differ from the above.

People who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the Draft EIS for review and comment when it is issued should notify Dr. Pell as provided in the **ADDRESSES** section above.

Issued in Washington, DC, on October 27, 2004.

Steven V. Cary,

Acting Assistant Secretary, Office of Environment, Safety and Health.

[FR Doc. 04-24404 Filed 11-1-04; 8:45 am]

BILLING CODE 6450-01-P



Department of Energy

Washington, DC 20585

February 23, 2005

Robert Newell, Governor
Passamaquoddy Tribe
P.O. Box 301
Princeton, ME 04668-0301

**SUBJECT: Invitation to Consult on Bangor Hydro-Electric Company
Transmission Line Proposal**

Dear Governor Newell:

The Department of Energy (DOE) wishes to invite the Passamaquoddy Tribe to consult with us regarding the Bangor Hydro-Electric Company (BHE) application to DOE to amend Presidential permit PP-89, which would authorize BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line, called the "Northeast Reliability Interconnect," would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, with the Fish and Wildlife Service (Department of the Interior) and the National Marine Fisheries Service (National Oceanic and Atmospheric Administration, Department of Commerce) as cooperating agencies.

We have authorized our contractor, Argonne National Laboratory (ANL) of DOE, to consult on our behalf in gathering comments and information during the course of the EIS preparation process. We will maintain the important government-to-government relationship that recognizes tribal governments as sovereign entities by closely monitoring ANL's communications with the Indian Nations, and by directly participating in the consultations as they progress. These consultations implement DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000). The entire Policy is available at <http://www.ci.doe.gov/indianbk.pdf>.

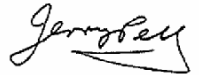
BHE has proposed four alternative routes, which they identify as the "Consolidated Corridors Route," the "Modified Consolidated Corridors Route," the "Previously Permitted Route," and the "MEPCO (Maine Electric Power Co.) South Route." The enclosed map shows the alternative routes and the locations of nearby tribal lands.

The BHE application, including associated maps and drawings, can be viewed and downloaded in its entirety from the Fossil Energy web site at http://www.fossil.energy.gov/programs/electricityregulation/Pending_Proceedings.html; scroll down to Pending Presidential Permit Application PP-89-1). Much additional information is also available at <http://web.ead.anl.gov/interconnecteis/>, maintained for us by ANL, including transcripts of the Public Scoping meetings. Finally, BHE itself maintains a project web site at <http://www.bhe.com/nri/index.cfm>.

We would very much like to hear from you about any concerns or issues you may have regarding the proposed project, and any information you could share with us regarding possible cultural resource concerns. Of particular interest would be mitigation measures you would propose for construction projects that could affect cultural properties that you consider important. If available, we would welcome information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area. A copy of the "Notice of Intent to Prepare an EIS" that was published in the November 2, 2004, Federal Register is enclosed for your information and reference.

Please contact Ms. Konnie Wescott, ANL (tel: 630-252-5789, fax: 630-252-6090, email: Wescott@ANL.gov), with your comments or any questions about this project. We would appreciate hearing from you by 1 April 2005. Also, our contractor may contact your Cultural Preservation Office to discuss these matters further. Of course, also please feel free to contact me directly, as noted below.

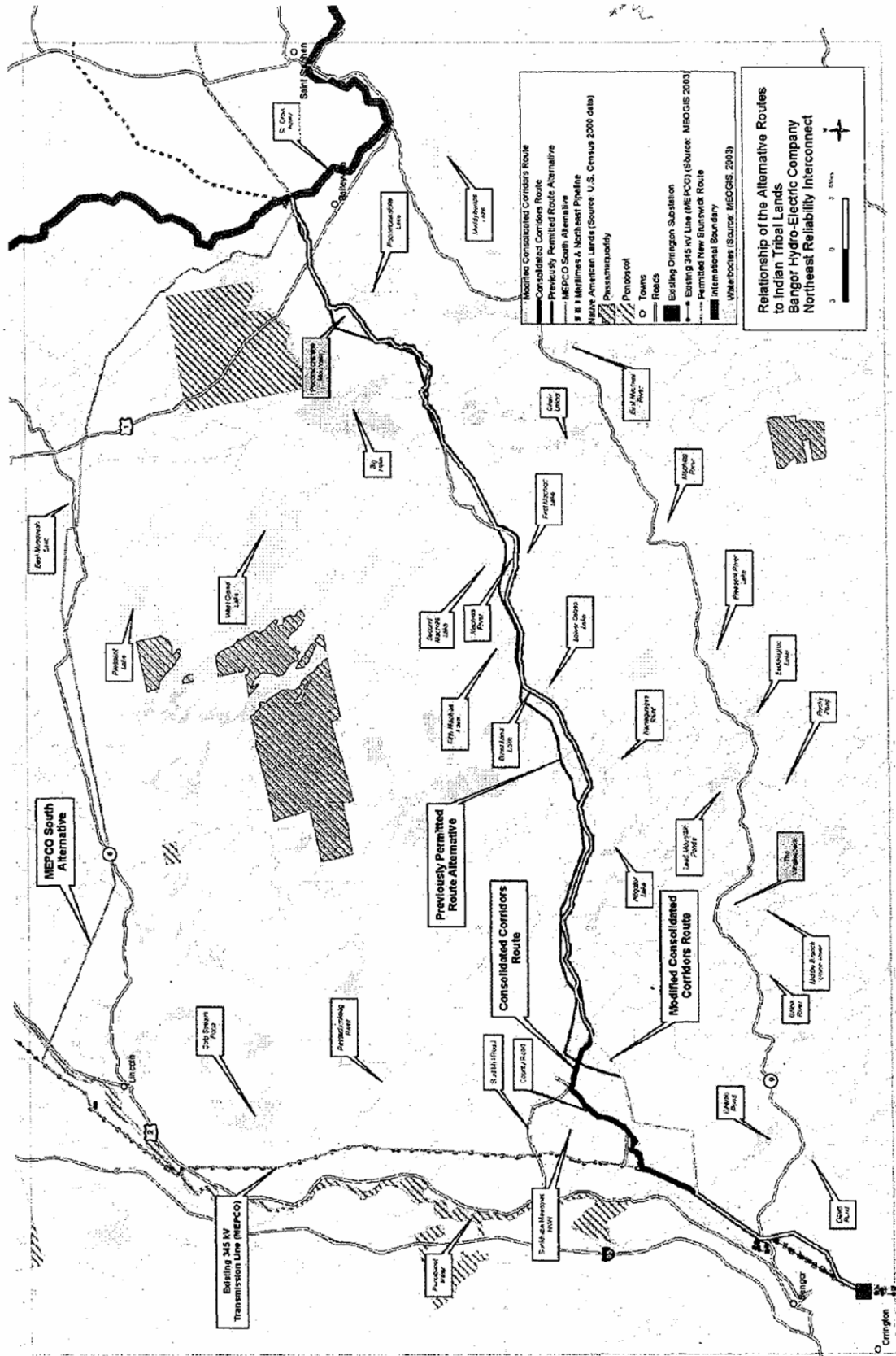
Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

Enclosures: Map
Federal Register Notice

cc: Trevor White, Environmental Director
Bureau of Indian Affairs
Fish and Wildlife Service
NOAA Fisheries



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international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation (NB Power). DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans to conduct three public scoping meetings in the vicinity of the proposed transmission line, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the EIS. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

DATES: DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until December 2, 2004. Written and oral comments will be given equal weight, and DOE will consider all comments received or postmarked by December 2, 2004, in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Dates for the public scoping meetings are:

1. November 17, 2004; 7 p.m. to 9 p.m., Baileyville, Maine.
2. November 18, 2004; 1 p.m. to 3 p.m., South Lincoln, Maine.

3. November 18, 2004; 7 p.m. to 9 p.m., Brewer, Maine.

Requests to speak at a public scoping meeting(s) should be received by Dr. Jerry Pell at the addresses indicated below on or before November 10, 2004. Requests to speak may also be made at the scoping meetings when registering for the meetings. However, persons who submitted advance requests to speak will be given priority if time should be limited during the meetings.

ADDRESSES: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meeting(s) should be addressed to: Dr. Jerry Pell, Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585; facsimile: 202-318-7761, or electronic mail at Jerry.Pell@hq.doe.gov.

Please note that regular postal mail to DOE tends to be delayed because of anthrax screening. In order to avoid these delays, if you wish to comment by mail, we suggest that your response be submitted either by using overnight service, or that your letter first be sent to us by fax or e-mail, and then followed by regular mailing of the original documents.

The locations of the scoping meetings are:

1. Woodland Elementary School, 23 Fourth Avenue, Baileyville, Maine.
2. Mattanawcook Academy, 33 Reed Drive, Lincoln, Maine.
3. Jeff's Catering Banquet & Convention Center, East West Industrial Park, 5 Coffin Avenue, Brewer, Maine.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Dr. Pell by any of the means listed in the **ADDRESSES** section of this notice. The main text of the BHE application is on the DOE Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under Pending Proceedings and PP-89-1. The complete BHE application, including associated maps and drawings, can be obtained by contacting Dr. Jerry Pell as noted in the **ADDRESSES** section above. Additional information and a description of the proposed project may be found on the BHE project Web site at <http://www.bhe.com/nri>.

For general information on the DOE NEPA review process, contact:

Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, Washington, DC 20585; phone: 202-586-4600 or leave a message at 800-472-2756; facsimile: 202-586-7031.

DEPARTMENT OF ENERGY

[Docket No. PP-89-1]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement; Bangor Hydro-Electric Company

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to prepare an environmental impact statement and to conduct public scoping meetings, and notice of floodplain and wetlands involvement.

SUMMARY: Bangor Hydro-Electric Company (BHE) has applied to DOE to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S.

SUPPLEMENTARY INFORMATION:**Background and Need for Agency Action**

Executive Order 10485, as amended by Executive Order 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The Executive Order provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after concurrence by the Departments of State and Defense. In determining consistency with the public interest, DOE considers the impacts of the proposed project on the reliability of the U.S. electric power system and on the environment. The regulations implementing the Executive Order have been codified at 10 CFR 205.320–205.329. Issuance of the permit indicates that there is no Federal objection to the project, but does not mandate that the project be completed.

BHE originally applied to DOE for a Presidential permit on December 16, 1988. DOE published a notice of that application in the *Federal Register* on January 19, 1989 (54 FR 2201), and a Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings in the *Federal Register* on May 22, 1989 (54 FR 22006). In December 1993, DOE published the draft EIS titled, "Construction and Operation of the Proposed Bangor Hydro-Electric Company's Second 345-kV Transmission Tie Line to New Brunswick." (DOE/EIS-0166). DOE issued a final EIS in August 1995, and in a record of decision signed on January 18, 1996 (61 FR 2244), decided to grant Presidential Permit PP-89.

On January 22, 1996, DOE issued Presidential Permit PP-89 authorizing BHE to construct, operate, maintain, and connect a 345-kV electric transmission line that would extend eastward approximately 85 miles from BHE's existing Orrington Substation to the U.S.-Canada border near Baileyville, Maine. At the border, the proposed transmission line was to connect to similar facilities to be built by NB Power, a Crown corporation of Canada's Province of New Brunswick. However, the authorized facilities have not been constructed.

On September 30, 2003, BHE applied to DOE to amend Presidential Permit PP-89 to allow for the construction of the project along a different route than those routes analyzed in the 1995 EIS. Since the issuance of PP-89, a natural gas transmission line has been

constructed by Maritimes & Northeast Pipeline, L.L.C., in the same general vicinity as the BHE project and in a corridor approved by the State of Maine Department of Environmental Protection. The Board of Environmental Protection, Maine's primary environmental review entity, now has indicated its preference for BHE to consolidate the location of all utility facilities in the area by constructing the proposed electric transmission line along a route more closely aligned with the existing pipeline corridor.

The international transmission line now proposed by BHE is identical in design to the line originally analyzed in the 1995 EIS and authorized in Presidential Permit PP-89. It would be a single-circuit 345-kV alternating current transmission line consisting of two overhead shield wires and three phases with two conductors per phase. The transmission line is proposed to have a thermal capacity of at least 1,000 megawatts. The line would originate at BHE's existing Orrington Substation and extend eastward approximately 85 miles, crossing the U.S.-Canada border near Baileyville, Maine. In Canada, the BHE facilities would interconnect with similar facilities to be owned by NB Power and continue approximately 60 miles to the switchyard at the Point Lepreau Nuclear Generating Station. Canada's National Energy Board authorized construction of the Canadian portion of the facilities in May 2003. The proposed transmission line project that will be the subject of this EIS differs from the original project only in the proposed routes between the Orrington Substation and the international border crossing near Baileyville, Maine.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) The Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. BHE states that it has identified its preferred alternative by working with representatives of large landowners, operators of nearby electric and pipeline utility facilities, state and Federal agencies, local tribes, and interest groups to develop a matrix of environmental factors to consider for route selection. BHE also states that it considered stakeholder and public input it received through outreach efforts, mail communications, and electronically via the BHE project Web site. BHE states that the environmental factors it considered in selecting its preferred alternative included land use, wetlands and water bodies, flora, fauna,

fisheries, recreational and visual considerations, and cultural resources.

All alternative routes originate at the Orrington Substation and generally parallel an existing MEPCO transmission line and Maritimes & Northeast Pipeline for approximately 12 miles until they reach Blackman's Stream.

Consolidated Corridors route: From Blackman's Stream, this route continues northward paralleling the existing MEPCO transmission line and the Maritimes & Northeast Pipeline for an additional 8 miles until reaching Stud Mill Road. At Stud Mill Road, this route turns eastward generally paralleling Stud Mill Road and the Maritimes & Northeast Pipeline right-of-way for a distance of approximately 65 miles. The line would cross the international border at Baileyville, Maine, at the location previously permitted in PP-89.

Previously Permitted Route: From Blackman's Stream, this route turns eastward for approximately 3.5 miles before turning northward until it meets Stud Mill Road. This route then generally follows Stud Mill Road, but deviates from it in several locations before it crosses the international border at Baileyville, Maine.

MEPCO South Route: From Blackman's Stream, this route continues north to Chester along the MEPCO line. The route then heads east roughly paralleling State Route 6 before crossing the international border at Baileyville, Maine.

BHE's Preferred route: This route incorporates a majority of the Consolidated Corridors route but deviates from it in two locations based on input received from various stakeholders. BHE's preferred route follows the three other alternative routes from Orrington Substation until it reaches Blackman's Stream. From Blackman's Stream, this route follows the Previously Permitted route until Stud Mill Road, at which point it then follows the Consolidated Corridors route until the vicinity of the Maritimes & Northeast Pipeline Baileyville Compressor Station. Near the compressor station, the line deviates to the north of the Consolidated Corridors route to maintain approximately 3600 feet of separation between the transmission line and the Baileyville Compressor Station.

All four alternative routes would cross primarily commercial forest in regrowth. All four alternative routes also would cross 100-year floodplains and wetlands, including some waterfowl and wading bird habitat. The MEPCO South Route would cross the Penobscot River. All alternatives would cross both

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perennial and intermittent streams, and may cross the Machias, East Machias and Narraguagus Rivers or associated tributaries, depending on the alternative. Project activities would include clearing rights-of-way and access roads, digging tower footings, setting transmission towers, seeding/mulching and other erosion control work, and hanging transmission wires.

The EIS will consider the environmental impacts of constructing the proposed transmission line along these alternative routes and the No Action alternative. Under the No Action alternative, the EIS will analyze the impacts associated with "no action." Because the proposed action is the amendment of Presidential Permit PP-89 to allow construction of the proposed transmission line over a different route from that authorized by the permit, "no action" means that the permit would not be amended and that the original permit would remain in effect. This would mean that the proposed transmission line could be constructed only over the Previously Permitted route.

However, the EIS will consider any additional reasonable alternatives that result from comments received in response to the scoping process described in this notice. One alternative already identified by DOE is the rescission of Presidential Permit PP-89. Rescission of the permit would mean that the permitted transmission line could not be constructed. This alternative will address the environmental impacts that are reasonably foreseeable to occur if Presidential Permit PP-89 is rescinded but no new permit is issued. However, this would not necessarily result in maintenance of the status quo or no environmental impacts. It is possible that BHE and/or NB Power may take other actions to achieve the purpose of this project if the permitted or proposed transmission line is not built.

Identification of Environmental Issues

The purpose of this notice is to solicit comments and suggestions for consideration in the preparation of the EIS. As background for public comment, this notice contains a list of potential environmental issues that DOE has tentatively identified for analysis. This list is not intended to be all-inclusive or to imply any predetermination of impacts. Following is a preliminary list of issues that may be analyzed in the EIS:

(1) Socioeconomic and recreational impacts of development of the land tracts and their subsequent uses;

(2) Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats, including the bald eagle, Atlantic salmon, and shortnose sturgeon;

(3) Impacts on floodplains and wetlands;

(4) Impacts on archaeological, cultural, or historic resources;

(5) Impacts on human health and safety;

(6) Impacts on existing and future land uses;

(7) Visual impacts; and

(8) Disproportionately high and adverse impacts on minority and low-income populations, also known as environmental justice considerations.

Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth, and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. The scoping process is intended to involve all interested agencies (Federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Potential cooperating agencies may include but may not be limited to the U.S. Department of the Interior's Fish and Wildlife Service and Bureau of Indian Affairs, the National Marine Fisheries Service, the State of Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers. Public scoping meetings will be held at the locations, dates, and times indicated above under the DATES and ADDRESSES sections. These scoping meetings will be informal. The presiding officer will establish only those procedures needed to ensure that everyone who wishes to speak has a chance to do so and that DOE understands all issues and comments. Speakers will be allocated approximately 5 minutes for their oral statements. Depending upon the number of persons wishing to speak, the presiding officer may allow longer times for representatives of organizations. Consequently, persons wishing to speak on behalf of an organization should identify that organization in their request to speak. Persons who have not submitted a request to speak in advance may register to speak at the scoping meeting(s), but advance requests are encouraged. Meetings will begin at the times specified and will continue until all those present who wish to participate have had an opportunity to

do so. Should any speaker desire to provide for the record further information that cannot be presented within the designated time, such additional information may be submitted in writing by the date listed in the DATES section. Oral, written, and electronic (i.e., by facsimile or by e-mail) comments will be impartially considered and given equal weight by DOE.

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Issued in Washington, DC, on October 27, 2004.

Steven V. Cary,

Acting Assistant Secretary, Office of Environment, Safety and Health.

[FR Doc. 04-24404 Filed 11-1-04; 8:45 am]

BILLING CODE 6450-01-P



Department of Energy
Washington, DC 20585

February 23, 2005

William W. Phillips, Chief
Aroostook Band of Micmacs
7 Northern Road
P.O. Box 772
Presque Isle, ME 04769-0772

**SUBJECT: Invitation to Consult on Bangor Hydro-Electric Company
Transmission Line Proposal**

Dear Chief Phillips:

The Department of Energy (DOE) wishes to invite the Aroostook Band of Micmacs to consult with us regarding the Bangor Hydro-Electric Company (BHE) application to DOE to amend Presidential permit PP-89, which would authorize BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line, called the "Northeast Reliability Interconnect," would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, with the Fish and Wildlife Service (Department of the Interior) and the National Marine Fisheries Service (National Oceanic and Atmospheric Administration, Department of Commerce) as cooperating agencies.

We have authorized our contractor, Argonne National Laboratory (ANL) of DOE, to consult on our behalf in gathering comments and information during the course of the EIS preparation process. We will maintain the important government-to-government relationship that recognizes tribal governments as sovereign entities by closely monitoring ANL's communications with the Indian Nations, and by directly participating in the consultations as they progress. These consultations implement DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000). The entire Policy is available at <http://www.ci.doe.gov/indianbk.pdf>.

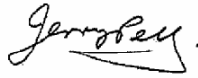
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We would very much like to hear from you about any concerns or issues you may have regarding the proposed project, and any information you could share with us regarding possible cultural resource concerns. Of particular interest would be mitigation measures you would propose for construction projects that could affect cultural properties that you consider important. If available, we would welcome information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area. A copy of the "Notice of Intent to Prepare an EIS" that was published in the November 2, 2004, Federal Register is enclosed for your information and reference.

Please contact Ms. Konnie Wescott, ANL (tel: 630-252-5789, fax: 630-252-6090, email: Wescott@ANL.gov), with your comments or any questions about this project. We would appreciate hearing from you by 1 April 2005. Also, our contractor may contact your Cultural Preservation Office to discuss these matters further. Of course, also please feel free to contact me directly, as noted below.

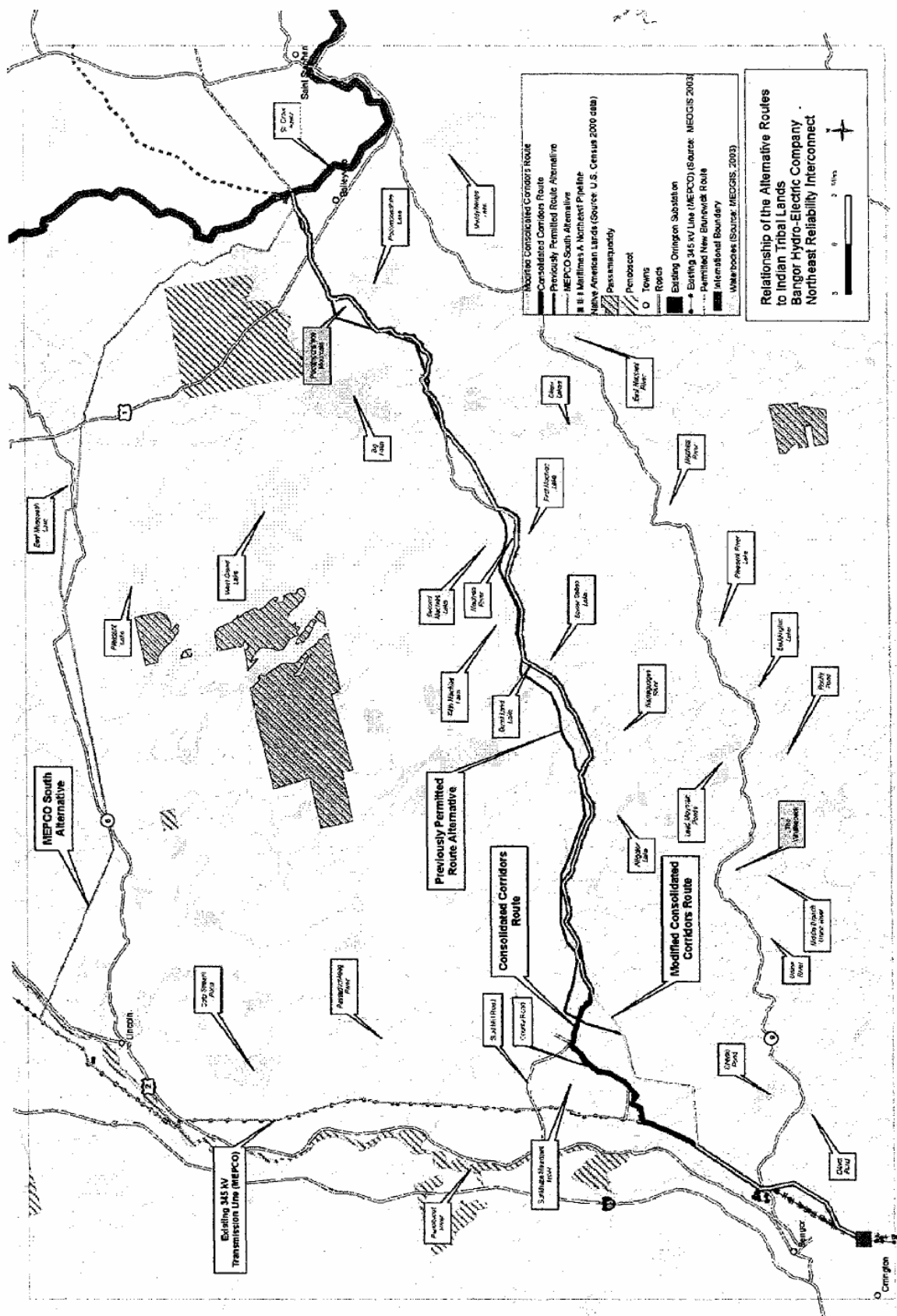
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Enclosures: Map
Federal Register Notice

cc: Bernard Jerome, Cultural Director
Bureau of Indian Affairs
Fish and Wildlife Service
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international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation (NB Power). DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

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FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Dr. Pell by any of the means listed in the **ADDRESSES** section of this notice. The main text of the BHE application is on the DOE Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under Pending Proceedings and PP-89-1. The complete BHE application, including associated maps and drawings, can be obtained by contacting Dr. Jerry Pell as noted in the **ADDRESSES** section above. Additional information and a description of the proposed project may be found on the BHE project Web site at <http://www.bhe.com/nri>.

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DEPARTMENT OF ENERGY

[Docket No. PP-89-1]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement; Bangor Hydro-Electric Company

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to prepare an environmental impact statement and to conduct public scoping meetings, and notice of floodplain and wetlands involvement.

SUMMARY: Bangor Hydro-Electric Company (BHE) has applied to DOE to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S.

SUPPLEMENTARY INFORMATION:**Background and Need for Agency Action**

Executive Order 10485, as amended by Executive Order 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The Executive Order provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after concurrence by the Departments of State and Defense. In determining consistency with the public interest, DOE considers the impacts of the proposed project on the reliability of the U.S. electric power system and on the environment. The regulations implementing the Executive Order have been codified at 10 CFR 205.320–205.329. Issuance of the permit indicates that there is no Federal objection to the project, but does not mandate that the project be completed.

BHE originally applied to DOE for a Presidential permit on December 16, 1988. DOE published a notice of that application in the *Federal Register* on January 19, 1989 (54 FR 2201), and a Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings in the *Federal Register* on May 22, 1989 (54 FR 22006). In December 1993, DOE published the draft EIS titled, "Construction and Operation of the Proposed Bangor Hydro-Electric Company's Second 345-kV Transmission Tie Line to New Brunswick." (DOE/EIS-0166). DOE issued a final EIS in August 1995, and in a record of decision signed on January 18, 1996 (61 FR 2244), decided to grant Presidential Permit PP-89.

On January 22, 1996, DOE issued Presidential Permit PP-89 authorizing BHE to construct, operate, maintain, and connect a 345-kV electric transmission line that would extend eastward approximately 85 miles from BHE's existing Orrington Substation to the U.S.-Canada border near Baileyville, Maine. At the border, the proposed transmission line was to connect to similar facilities to be built by NB Power, a Crown corporation of Canada's Province of New Brunswick. However, the authorized facilities have not been constructed.

On September 30, 2003, BHE applied to DOE to amend Presidential Permit PP-89 to allow for the construction of the project along a different route than those routes analyzed in the 1995 EIS. Since the issuance of PP-89, a natural gas transmission line has been

constructed by Maritimes & Northeast Pipeline, L.L.C., in the same general vicinity as the BHE project and in a corridor approved by the State of Maine Department of Environmental Protection. The Board of Environmental Protection, Maine's primary environmental review entity, now has indicated its preference for BHE to consolidate the location of all utility facilities in the area by constructing the proposed electric transmission line along a route more closely aligned with the existing pipeline corridor.

The international transmission line now proposed by BHE is identical in design to the line originally analyzed in the 1995 EIS and authorized in Presidential Permit PP-89. It would be a single-circuit 345-kV alternating current transmission line consisting of two overhead shield wires and three phases with two conductors per phase. The transmission line is proposed to have a thermal capacity of at least 1,000 megawatts. The line would originate at BHE's existing Orrington Substation and extend eastward approximately 85 miles, crossing the U.S.-Canada border near Baileyville, Maine. In Canada, the BHE facilities would interconnect with similar facilities to be owned by NB Power and continue approximately 60 miles to the switchyard at the Point Lepreau Nuclear Generating Station. Canada's National Energy Board authorized construction of the Canadian portion of the facilities in May 2003. The proposed transmission line project that will be the subject of this EIS differs from the original project only in the proposed routes between the Orrington Substation and the international border crossing near Baileyville, Maine.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) The Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. BHE states that it has identified its preferred alternative by working with representatives of large landowners, operators of nearby electric and pipeline utility facilities, state and Federal agencies, local tribes, and interest groups to develop a matrix of environmental factors to consider for route selection. BHE also states that it considered stakeholder and public input it received through outreach efforts, mail communications, and electronically via the BHE project Web site. BHE states that the environmental factors it considered in selecting its preferred alternative included land use, wetlands and water bodies, flora, fauna,

fisheries, recreational and visual considerations, and cultural resources.

All alternative routes originate at the Orrington Substation and generally parallel an existing MEPCO transmission line and Maritimes & Northeast Pipeline for approximately 12 miles until they reach Blackman's Stream.

Consolidated Corridors route: From Blackman's Stream, this route continues northward paralleling the existing MEPCO transmission line and the Maritimes & Northeast Pipeline for an additional 8 miles until reaching Stud Mill Road. At Stud Mill Road, this route turns eastward generally paralleling Stud Mill Road and the Maritimes & Northeast Pipeline right-of-way for a distance of approximately 65 miles. The line would cross the international border at Baileyville, Maine, at the location previously permitted in PP-89.

Previously Permitted Route: From Blackman's Stream, this route turns eastward for approximately 3.5 miles before turning northward until it meets Stud Mill Road. This route then generally follows Stud Mill Road, but deviates from it in several locations before it crosses the international border at Baileyville, Maine.

MEPCO South Route: From Blackman's Stream, this route continues north to Chester along the MEPCO line. The route then heads east roughly paralleling State Route 6 before crossing the international border at Baileyville, Maine.

BHE's Preferred route: This route incorporates a majority of the Consolidated Corridors route but deviates from it in two locations based on input received from various stakeholders. BHE's preferred route follows the three other alternative routes from Orrington Substation until it reaches Blackman's Stream. From Blackman's Stream, this route follows the Previously Permitted route until Stud Mill Road, at which point it then follows the Consolidated Corridors route until the vicinity of the Maritimes & Northeast Pipeline Baileyville Compressor Station. Near the compressor station, the line deviates to the north of the Consolidated Corridors route to maintain approximately 3600 feet of separation between the transmission line and the Baileyville Compressor Station.

All four alternative routes would cross primarily commercial forest in regrowth. All four alternative routes also would cross 100-year floodplains and wetlands, including some waterfowl and wading bird habitat. The MEPCO South Route would cross the Penobscot River. All alternatives would cross both

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perennial and intermittent streams, and may cross the Machias, East Machias and Narraguagus Rivers or associated tributaries, depending on the alternative. Project activities would include clearing rights-of-way and access roads, digging tower footings, setting transmission towers, seeding/mulching and other erosion control work, and hanging transmission wires.

The EIS will consider the environmental impacts of constructing the proposed transmission line along these alternative routes and the No Action alternative. Under the No Action alternative, the EIS will analyze the impacts associated with "no action." Because the proposed action is the amendment of Presidential Permit PP-89 to allow construction of the proposed transmission line over a different route from that authorized by the permit, "no action" means that the permit would not be amended and that the original permit would remain in effect. This would mean that the proposed transmission line could be constructed only over the Previously Permitted route.

However, the EIS will consider any additional reasonable alternatives that result from comments received in response to the scoping process described in this notice. One alternative already identified by DOE is the rescission of Presidential Permit PP-89. Rescission of the permit would mean that the permitted transmission line could not be constructed. This alternative will address the environmental impacts that are reasonably foreseeable to occur if Presidential Permit PP-89 is rescinded but no new permit is issued. However, this would not necessarily result in maintenance of the status quo or no environmental impacts. It is possible that BHE and/or NB Power may take other actions to achieve the purpose of this project if the permitted or proposed transmission line is not built.

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The purpose of this notice is to solicit comments and suggestions for consideration in the preparation of the EIS. As background for public comment, this notice contains a list of potential environmental issues that DOE has tentatively identified for analysis. This list is not intended to be all-inclusive or to imply any predetermination of impacts. Following is a preliminary list of issues that may be analyzed in the EIS:

(1) Socioeconomic and recreational impacts of development of the land tracts and their subsequent uses;

(2) Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats, including the bald eagle, Atlantic salmon, and shortnose sturgeon;

(3) Impacts on floodplains and wetlands;

(4) Impacts on archaeological, cultural, or historic resources;

(5) Impacts on human health and safety;

(6) Impacts on existing and future land uses;

(7) Visual impacts; and

(8) Disproportionately high and adverse impacts on minority and low-income populations, also known as environmental justice considerations.

Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth, and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. The scoping process is intended to involve all interested agencies (Federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Potential cooperating agencies may include but may not be limited to the U.S. Department of the Interior's Fish and Wildlife Service and Bureau of Indian Affairs, the National Marine Fisheries Service, the State of Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers. Public scoping meetings will be held at the locations, dates, and times indicated above under the DATES and ADDRESSES sections. These scoping meetings will be informal. The presiding officer will establish only those procedures needed to ensure that everyone who wishes to speak has a chance to do so and that DOE understands all issues and comments. Speakers will be allocated approximately 5 minutes for their oral statements. Depending upon the number of persons wishing to speak, the presiding officer may allow longer times for representatives of organizations. Consequently, persons wishing to speak on behalf of an organization should identify that organization in their request to speak. Persons who have not submitted a request to speak in advance may register to speak at the scoping meeting(s), but advance requests are encouraged. Meetings will begin at the times specified and will continue until all those present who wish to participate have had an opportunity to

do so. Should any speaker desire to provide for the record further information that cannot be presented within the designated time, such additional information may be submitted in writing by the date listed in the DATES section. Oral, written, and electronic (i.e., by facsimile or by e-mail) comments will be impartially considered and given equal weight by DOE.

Draft EIS Schedule and Availability

The Draft EIS is scheduled to be issued in June 2005, at which time its availability will be announced in the **Federal Register** and local media and public comments again will be solicited. The Draft EIS will be made available for public inspection at several public libraries and reading rooms in Maine, and notice of these locations will be provided in the **Federal Register** and local media at a later date. However, readers are cautioned that many considerations enter into the preparation of the Draft EIS and the actual issuance date may differ from the above.

People who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the Draft EIS for review and comment when it is issued should notify Dr. Pell as provided in the ADDRESSES section above.

Issued in Washington, DC, on October 27, 2004.

Steven V. Cary,
Acting Assistant Secretary, Office of
Environment, Safety and Health.

[FR Doc. 04-24404 Filed 11-1-04; 8:45 am]

BILLING CODE 6450-01-P



Department of Energy
Washington, DC 20585

February 23, 2005

James Sappier, Chief
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468

**SUBJECT: Invitation to Consult on Bangor Hydro-Electric Company
Transmission Line Proposal**

Dear Chief Sappier:

The Department of Energy (DOE) wishes to invite the Penobscot Indian Nation to consult with us regarding the Bangor Hydro-Electric Company (BHE) application to DOE to amend Presidential permit PP-89, which would authorize BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line, called the "Northeast Reliability Interconnect," would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, with the Fish and Wildlife Service (Department of the Interior) and the National Marine Fisheries Service (National Oceanic and Atmospheric Administration, Department of Commerce) as cooperating agencies.

We have authorized our contractor, Argonne National Laboratory (ANL) of DOE, to consult on our behalf in gathering comments and information during the course of the EIS preparation process. We will maintain the important government-to-government relationship that recognizes tribal governments as sovereign entities by closely monitoring ANL's communications with the Indian Nations, and by directly participating in the consultations as they progress. These consultations implement DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000). The entire Policy is available at <http://www.ci.doe.gov/indianbk.pdf>.

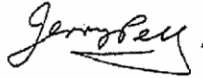
BHE has proposed four alternative routes, which they identify as the "Consolidated Corridors Route," the "Modified Consolidated Corridors Route," the "Previously Permitted Route," and the "MEPCO (Maine Electric Power Co.) South Route." The enclosed map shows the alternative routes and the locations of nearby tribal lands.

The BHE application, including associated maps and drawings, can be viewed and downloaded in its entirety from the Fossil Energy web site at http://www.fossil.energy.gov/programs/electricityregulation/Pending_Proceedings.html; scroll down to Pending Presidential Permit Application PP-89-1). Much additional information is also available at <http://web.ead.anl.gov/interconnecteis/>, maintained for us by ANL, including transcripts of the Public Scoping meetings. Finally, BHE itself maintains a project web site at <http://www.bhe.com/nri/index.cfm>.

We would very much like to hear from you about any concerns or issues you may have regarding the proposed project, and any information you could share with us regarding possible cultural resource concerns. Of particular interest would be mitigation measures you would propose for construction projects that could affect cultural properties that you consider important. If available, we would welcome information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area. A copy of the "Notice of Intent to Prepare an EIS" that was published in the November 2, 2004, Federal Register is enclosed for your information and reference.

Please contact Ms. Konnie Wescott, ANL (tel: 630-252-5789, fax: 630-252-6090, email: Wescott@ANL.gov), with your comments or any questions about this project. We would appreciate hearing from you by 1 April 2005. Also, our contractor may contact your Cultural Preservation Office to discuss these matters further. Of course, also please feel free to contact me directly, as noted below.

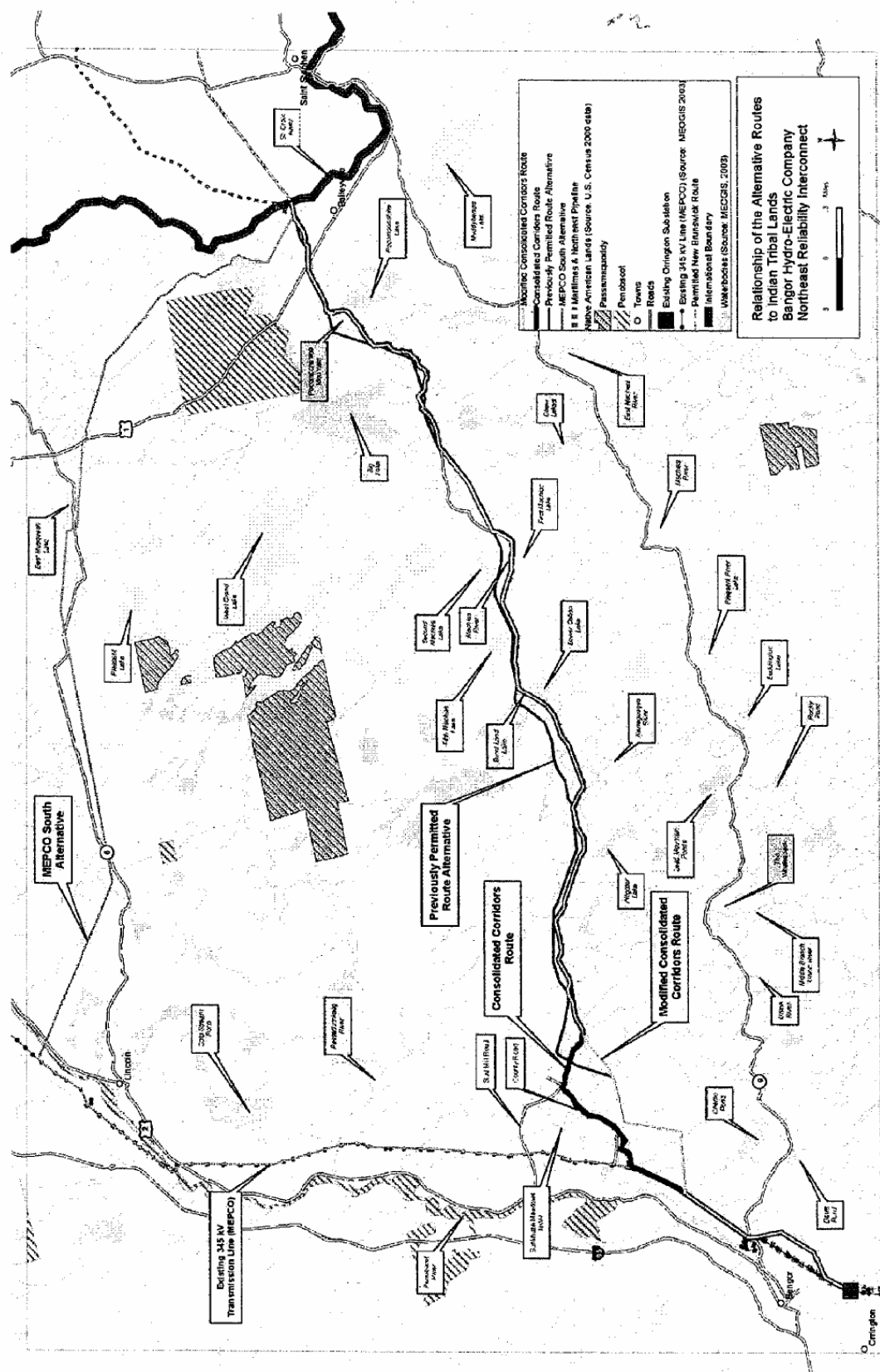
Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

Enclosures: Map
Federal Register Notice

cc: Bonnie Newsome, THPO
Bureau of Indian Affairs
Fish and Wildlife Service
NOAA Fisheries



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international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation (NB Power). DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans to conduct three public scoping meetings in the vicinity of the proposed transmission line, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the EIS. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

DATES: DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this notice in the *Federal Register* and will continue until December 2, 2004. Written and oral comments will be given equal weight, and DOE will consider all comments received or postmarked by December 2, 2004, in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Dates for the public scoping meetings are:

1. November 17, 2004; 7 p.m. to 9 p.m., Baileyville, Maine.
2. November 18, 2004; 1 p.m. to 3 p.m., South Lincoln, Maine.

3. November 18, 2004; 7 p.m. to 9 p.m., Brewer, Maine.

Requests to speak at a public scoping meeting(s) should be received by Dr. Jerry Pell at the addresses indicated below on or before November 10, 2004. Requests to speak may also be made at the scoping meetings when registering for the meetings. However, persons who submitted advance requests to speak will be given priority if time should be limited during the meetings.

ADDRESSES: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meeting(s) should be addressed to: Dr. Jerry Pell, Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585; facsimile: 202-318-7761, or electronic mail at Jerry.Pell@hq.doe.gov.

Please note that regular postal mail to DOE tends to be delayed because of anthrax screening. In order to avoid these delays, if you wish to comment by mail, we suggest that your response be submitted either by using overnight service, or that your letter first be sent to us by fax or e-mail, and then followed by regular mailing of the original documents.

The locations of the scoping meetings are:

1. Woodland Elementary School, 23 Fourth Avenue, Baileyville, Maine.
2. Mattanawcook Academy, 33 Reed Drive, Lincoln, Maine.
3. Jeff's Catering Banquet & Convention Center, East West Industrial Park, 5 Coffin Avenue, Brewer, Maine.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Dr. Pell by any of the means listed in the **ADDRESSES** section of this notice. The main text of the BHE application is on the DOE Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under Pending Proceedings and PP-89-1. The complete BHE application, including associated maps and drawings, can be obtained by contacting Dr. Jerry Pell as noted in the **ADDRESSES** section above. Additional information and a description of the proposed project may be found on the BHE project Web site at <http://www.bhe.com/nri>.

For general information on the DOE NEPA review process, contact:

Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, Washington, DC 20585; phone: 202-586-4600 or leave a message at 800-472-2756; facsimile: 202-586-7031.

DEPARTMENT OF ENERGY

[Docket No. PP-89-1]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement; Bangor Hydro-Electric Company

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to prepare an environmental impact statement and to conduct public scoping meetings, and notice of floodplain and wetlands involvement.

SUMMARY: Bangor Hydro-Electric Company (BHE) has applied to DOE to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S.

SUPPLEMENTARY INFORMATION:**Background and Need for Agency Action**

Executive Order 10485, as amended by Executive Order 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The Executive Order provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after concurrence by the Departments of State and Defense. In determining consistency with the public interest, DOE considers the impacts of the proposed project on the reliability of the U.S. electric power system and on the environment. The regulations implementing the Executive Order have been codified at 10 CFR 205.320–205.329. Issuance of the permit indicates that there is no Federal objection to the project, but does not mandate that the project be completed.

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constructed by Maritimes & Northeast Pipeline, L.L.C., in the same general vicinity as the BHE project and in a corridor approved by the State of Maine Department of Environmental Protection. The Board of Environmental Protection, Maine's primary environmental review entity, now has indicated its preference for BHE to consolidate the location of all utility facilities in the area by constructing the proposed electric transmission line along a route more closely aligned with the existing pipeline corridor.

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Issued in Washington, DC, on October 27, 2004.

Steven V. Cary,
Acting Assistant Secretary, Office of
Environment, Safety and Health.

[FR Doc. 04-24404 Filed 11-1-04; 8:45 am]

BILLING CODE 6450-01-P



Department of Energy

Washington, DC 20585

February 23, 2005

Ms. Patricia A. Kurkul
Regional Administrator
Northeast Region
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930-2298

SUBJECT: Cooperation in the Preparation of the Environmental Impact Statement (EIS) for the Bangor Hydro-Electric Company (BHE) Proposed "Northeast Reliability Interconnect" Project.

Dear Ms. Kurkul:

Thank you for your letter of January 7, 2005, confirming that NOAA Fisheries agrees to cooperate with us in the preparation of the subject EIS. The Fish and Wildlife Service of the Department of the Interior also has agreed to cooperate, while the Bureau of Indian Affairs has advised that they will elect to cooperate if the project were to directly affect Indian lands. To date, however, I have not heard from either the Region I office of the Environmental Protection Agency, the New England District of the Army Corps of Engineers, or the Maine State Department of Environmental Protection, all of which have been similarly invited to cooperate.

In accordance with your guidance, by electronic copy of this letter, I am establishing contact with Sean McDermott of your office, and will be bringing him up-to-date on the status of the EIS.

Please note that BHE has proposed four alternative routes, which it identifies as the "Consolidated Corridors Route," the "Modified Consolidated Corridors Route," the "Previously Permitted Route," and the "MEPCO (Maine Electric Power Co.) South Route." The BHE application, including associated maps and drawings, can be viewed and downloaded in its entirety from the Fossil Energy web site

(http://www.fossil.energy.gov/programs/electricityregulation/Pending_Proceedings.html; scroll down to Pending Presidential Permit Application PP-89-1). Additional information, including transcripts of the Public Scoping meetings, is also available at <http://web.ead.anl.gov/interconnecteis/>, maintained for us by DOE's Argonne National Laboratory, our contractor for the preparation of the EIS. Finally, BHE itself maintains a project web site at <http://www.bhe.com/nri/index.cfm>.

On a related matter, thank you very much for the copy of your letter of January 21, 2005, to Mr. Gil Paquette of TRC Environmental Corporation, who has been retained as a contractor to BHE. It is my understanding that your letter conveys the following three important guidance elements:

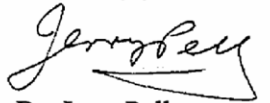
- Since the proposed project route crosses multiple streams, including several that have been designated as Essential Fish Habitats (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act for Atlantic salmon, an EFH assessment is required,

- Consultations with the Fish and Wildlife Service are required pursuant to §7 of the Endangered Species Act for impacts on Atlantic salmon, and
- NOAA Fisheries requires site-specific information for potential affects on habitat suitable for American eel, alewife, and blueback herring, particularly in areas proximate to the Machias, Narraguagus, and Penobscot Rivers.

If I have misconstrued your letter or if there are any omissions, I would appreciate your advice. Furthermore, as noted above, BHE has identified four alternative routes, one of which, the "Modified Consolidated Corridor" route, is their preferred alternative. However, since any one of these alternatives could be selected in the Record of Decision, and since the National Environmental Policy Act requires that all alternatives must be analyzed fairly and equitably, we are applying the elements above to each of the four alternative routes.

Thank you for your interest in this matter. We are looking forward to collaborating with NOAA Fisheries. In that regard, please feel free to have your staff contact me at will as noted below.

Very truly yours,



Dr. Jerry Pell
Senior Environmental Scientist
Office of Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

cc: Sean McDermott
Fish and Wildlife Service
Bangor Hydro-Electric Co.



Department of Energy
Washington, DC 20585

February 24, 2005

Dr. Jim Kardatzke
Ecologist/Branch Chief
Natural Resources Branch
Eastern Regional Office
Bureau of Indian Affairs
711 Stewarts Ferry Pike
Nashville, TN 37214

**TRANSMITTED
BY
FACSIMILE**
8 pages, total

**SUBJECT: Preparation of the Environmental Impact Statement (EIS) for
the Bangor Hydro-Electric Company (BHE) Proposed
“Northeast Reliability Interconnect” (NRI) Project.**

Dear Dr. Kardatzke:

It was a pleasure talking with you on Thursday, February the 24th. As promised, this letter is in response to the letter to me of December 7, 2004, from Mr. Robert Impson, Acting Director, Eastern Regional Office of the Bureau of Indian Affairs (BIA). (As you know, these correspondences were initiated by my letter of November 30, 2004, to the BIA inviting cooperation in the preparation of the EIS for the subject proposed project.)

I would like to take this opportunity both to establish working relations with you for collaboration in the course of considering the proposed NRI Project, and to respond to the issues raised in Mr. Impson's letter.

First and foremost, with regard to consultations with the appropriate tribes, we have now sent consultation letters to the tribes indicated below, a specimen copy of which is attached for your information and reference:

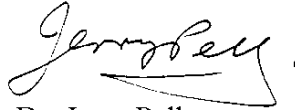
- Penobscot Indian Nation
- Passamaquoddy Tribe; Indian Township Reservation
- Passamaquoddy Tribe; Pleasant Point Reservation
- Houlton Band of Maliseet Indians
- Aroostook Band of Micmacs

Please note that the guidance provided by Mr. Impson on the issue of Federal consultations with Federally-recognized Indian tribes is viewed as important and much appreciated.

With regard to the question of whether the proposed NRI Project would directly affect Indian lands, initial indications are that it would not, but this is just a preliminary observation very much subject to further study. We will advise you promptly should this finding be revised in the future.

Any thoughts you might have with regard to our consultation process would be greatly appreciated. In the meantime, thank you for your interest; we look forward to working with you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Pell", with a stylized flourish at the end.

Dr. Jerry Pell
Senior Environmental Scientist
Office of Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

cc: Bangor Hydro-Electric Co.



Department of Energy
Washington, DC 20585

February 23, 2005

James Sappier, Chief
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468

**SUBJECT: Invitation to Consult on Bangor Hydro-Electric Company
Transmission Line Proposal**

Dear Chief Sappier:

The Department of Energy (DOE) wishes to invite the Penobscot Indian Nation to consult with us regarding the Bangor Hydro-Electric Company (BHE) application to DOE to amend Presidential permit PP-89, which would authorize BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S. international border in the vicinity of Baileyville, Maine. The proposed transmission line, called the "Northeast Reliability Interconnect," would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation. DOE is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, with the Fish and Wildlife Service (Department of the Interior) and the National Marine Fisheries Service (National Oceanic and Atmospheric Administration, Department of Commerce) as cooperating agencies.

We have authorized our contractor, Argonne National Laboratory (ANL) of DOE, to consult on our behalf in gathering comments and information during the course of the EIS preparation process. We will maintain the important government-to-government relationship that recognizes tribal governments as sovereign entities by closely monitoring ANL's communications with the Indian Nations, and by directly participating in the consultations as they progress. These consultations implement DOE's "American Indian and Alaska Native Tribal Government Policy," as set forth in DOE Order 1230.2 (October 2000). The entire Policy is available at <http://www.ci.doe.gov/indianbk.pdf>.

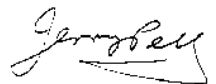
BHE has proposed four alternative routes, which they identify as the "Consolidated Corridors Route," the "Modified Consolidated Corridors Route," the "Previously Permitted Route," and the "MEPCO (Maine Electric Power Co.) South Route." The enclosed map shows the alternative routes and the locations of nearby tribal lands.

The BHE application, including associated maps and drawings, can be viewed and downloaded in its entirety from the Fossil Energy web site at http://www.fossil.energy.gov/programs/electricityregulation/Pending_Proceedings.html; scroll down to Pending Presidential Permit Application PP-89-1). Much additional information is also available at <http://web.ead.anl.gov/interconnecteis/>, maintained for us by ANL, including transcripts of the Public Scoping meetings. Finally, BHE itself maintains a project web site at <http://www.bhe.com/nri/index.cfm>.

We would very much like to hear from you about any concerns or issues you may have regarding the proposed project, and any information you could share with us regarding possible cultural resource concerns. Of particular interest would be mitigation measures you would propose for construction projects that could affect cultural properties that you consider important. If available, we would welcome information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area. A copy of the "Notice of Intent to Prepare an EIS" that was published in the November 2, 2004, Federal Register is enclosed for your information and reference.

Please contact Ms. Komnie Wescott, ANL (tel: 630-252-5789, fax: 630-252-6090, email: Wescott@ANL.gov), with your comments or any questions about this project. We would appreciate hearing from you by 1 April 2005. Also, our contractor may contact your Cultural Preservation Office to discuss these matters further. Of course, also please feel free to contact me directly, as noted below.

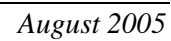
Very truly yours,



Dr. Jerry Pell
NEPA Document Manager
Electric Power Regulation
Office of Fossil Energy, FE-27
Tel. 202-586-3362
Fax 202-318-7761
Jerry.Pell@hq.doe.gov

Enclosures: Map
Federal Register Notice

cc: Bonnie Newsome, THPO
Bureau of Indian Affairs
Fish and Wildlife Service
NOAA Fisheries



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international border in the vicinity of Baileyville, Maine. The proposed transmission line would originate at BHE's existing Orrington Substation, located in Orrington, Maine, and extend eastward approximately 85 miles to the international border between the United States and Canada where it would connect with similar facilities to be owned by New Brunswick Power Corporation (NB Power). DOE has determined that amendment of the Presidential permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE intends to prepare an environmental impact statement (EIS) entitled, "The Northeast Reliability Interconnect" (DOE/EIS-0372), to address potential environmental impacts from the proposed action and the range of reasonable alternatives.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans to conduct three public scoping meetings in the vicinity of the proposed transmission line, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the EIS. Because the proposed project may involve an action in a floodplain or wetland, the draft EIS will include a floodplain and wetlands assessment and the final EIS or record of decision will include a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022).

DATES: DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until December 2, 2004. Written and oral comments will be given equal weight, and DOE will consider all comments received or postmarked by December 2, 2004, in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Dates for the public scoping meetings are:

1. November 17, 2004; 7 p.m. to 9 p.m., Baileyville, Maine.
2. November 18, 2004; 1 p.m. to 3 p.m., South Lincoln, Maine.

3. November 18, 2004; 7 p.m. to 9 p.m., Brewer, Maine.

Requests to speak at a public scoping meeting(s) should be received by Dr. Jerry Pell at the addresses indicated below on or before November 10, 2004. Requests to speak may also be made at the scoping meetings when registering for the meetings. However, persons who submitted advance requests to speak will be given priority if time should be limited during the meetings.

ADDRESSES: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meeting(s) should be addressed to: Dr. Jerry Pell, Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585; facsimile: 202-318-7761, or electronic mail at Jerry.Pell@hq.doe.gov.

Please note that regular postal mail to DOE tends to be delayed because of anthrax screening. In order to avoid these delays, if you wish to comment by mail, we suggest that your response be submitted either by using overnight service, or that your letter first be sent to us by fax or e-mail, and then followed by regular mailing of the original documents.

The locations of the scoping meetings are:

1. Woodland Elementary School, 23 Fourth Avenue, Baileyville, Maine.
2. Mattanawcook Academy, 33 Reed Drive, Lincoln, Maine.
3. Jeff's Catering Banquet & Convention Center, East West Industrial Park, 5 Coffin Avenue, Brewer, Maine.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Dr. Pell by any of the means listed in the **ADDRESSES** section of this notice. The main text of the BHE application is on the DOE Fossil Energy Web site at <http://fossil.energy.gov/programs/electricityregulation>, under Pending Proceedings and PP-89-1. The complete BHE application, including associated maps and drawings, can be obtained by contacting Dr. Jerry Pell as noted in the **ADDRESSES** section above. Additional information and a description of the proposed project may be found on the BHE project Web site at <http://www.bhe.com/nri>.

For general information on the DOE NEPA review process, contact:

Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, Washington, DC 20585; phone: 202-586-4600 or leave a message at 800-472-2756; facsimile: 202-586-7031.

DEPARTMENT OF ENERGY

[Docket No. PP-89-1]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement; Bangor Hydro-Electric Company

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to prepare an environmental impact statement and to conduct public scoping meetings, and notice of floodplain and wetlands involvement.

SUMMARY: Bangor Hydro-Electric Company (BHE) has applied to DOE to amend Presidential Permit PP-89, which authorizes BHE to construct a single-circuit 345,000-volt (345-kV) electric transmission line across the U.S.

SUPPLEMENTARY INFORMATION:**Background and Need for Agency Action**

Executive Order 10485, as amended by Executive Order 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The Executive Order provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after concurrence by the Departments of State and Defense. In determining consistency with the public interest, DOE considers the impacts of the proposed project on the reliability of the U.S. electric power system and on the environment. The regulations implementing the Executive Order have been codified at 10 CFR 205.320–205.329. Issuance of the permit indicates that there is no Federal objection to the project, but does not mandate that the project be completed.

BHE originally applied to DOE for a Presidential permit on December 16, 1988. DOE published a notice of that application in the *Federal Register* on January 19, 1989 (54 FR 2201), and a Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings in the *Federal Register* on May 22, 1989 (54 FR 22006). In December 1993, DOE published the draft EIS titled, "Construction and Operation of the Proposed Bangor Hydro-Electric Company's Second 345-kV Transmission Tie Line to New Brunswick." (DOE/EIS-0166). DOE issued a final EIS in August 1995, and in a record of decision signed on January 18, 1996 (61 FR 2244), decided to grant Presidential Permit PP-89.

On January 22, 1996, DOE issued Presidential Permit PP-89 authorizing BHE to construct, operate, maintain, and connect a 345-kV electric transmission line that would extend eastward approximately 85 miles from BHE's existing Orrington Substation to the U.S.-Canada border near Baileyville, Maine. At the border, the proposed transmission line was to connect to similar facilities to be built by NB Power, a Crown corporation of Canada's Province of New Brunswick. However, the authorized facilities have not been constructed.

On September 30, 2003, BHE applied to DOE to amend Presidential Permit PP-89 to allow for the construction of the project along a different route than those routes analyzed in the 1995 EIS. Since the issuance of PP-89, a natural gas transmission line has been

constructed by Maritimes & Northeast Pipeline, L.L.C., in the same general vicinity as the BHE project and in a corridor approved by the State of Maine Department of Environmental Protection. The Board of Environmental Protection, Maine's primary environmental review entity, now has indicated its preference for BHE to consolidate the location of all utility facilities in the area by constructing the proposed electric transmission line along a route more closely aligned with the existing pipeline corridor.

The international transmission line now proposed by BHE is identical in design to the line originally analyzed in the 1995 EIS and authorized in Presidential Permit PP-89. It would be a single-circuit 345-kV alternating current transmission line consisting of two overhead shield wires and three phases with two conductors per phase. The transmission line is proposed to have a thermal capacity of at least 1,000 megawatts. The line would originate at BHE's existing Orrington Substation and extend eastward approximately 85 miles, crossing the U.S.-Canada border near Baileyville, Maine. In Canada, the BHE facilities would interconnect with similar facilities to be owned by NB Power and continue approximately 60 miles to the switchyard at the Point Lepreau Nuclear Generating Station. Canada's National Energy Board authorized construction of the Canadian portion of the facilities in May 2003. The proposed transmission line project that will be the subject of this EIS differs from the original project only in the proposed routes between the Orrington Substation and the international border crossing near Baileyville, Maine.

BHE has identified four alternative routes for constructing the proposed transmission line: (1) The Consolidated Corridors route; (2) the Previously Permitted route; (3) the Maine Electric Power Company (MEPCO) South route; and (4) BHE's Preferred route. BHE states that it has identified its preferred alternative by working with representatives of large landowners, operators of nearby electric and pipeline utility facilities, state and Federal agencies, local tribes, and interest groups to develop a matrix of environmental factors to consider for route selection. BHE also states that it considered stakeholder and public input it received through outreach efforts, mail communications, and electronically via the BHE project Web site. BHE states that the environmental factors it considered in selecting its preferred alternative included land use, wetlands and water bodies, flora, fauna,

fisheries, recreational and visual considerations, and cultural resources.

All alternative routes originate at the Orrington Substation and generally parallel an existing MEPCO transmission line and Maritimes & Northeast Pipeline for approximately 12 miles until they reach Blackman's Stream.

Consolidated Corridors route: From Blackman's Stream, this route continues northward paralleling the existing MEPCO transmission line and the Maritimes & Northeast Pipeline for an additional 8 miles until reaching Stud Mill Road. At Stud Mill Road, this route turns eastward generally paralleling Stud Mill Road and the Maritimes & Northeast Pipeline right-of-way for a distance of approximately 65 miles. The line would cross the international border at Baileyville, Maine, at the location previously permitted in PP-89.

Previously Permitted Route: From Blackman's Stream, this route turns eastward for approximately 3.5 miles before turning northward until it meets Stud Mill Road. This route then generally follows Stud Mill Road, but deviates from it in several locations before it crosses the international border at Baileyville, Maine.

MEPCO South Route: From Blackman's Stream, this route continues north to Chester along the MEPCO line. The route then heads east roughly paralleling State Route 6 before crossing the international border at Baileyville, Maine.

BHE's Preferred route: This route incorporates a majority of the Consolidated Corridors route but deviates from it in two locations based on input received from various stakeholders. BHE's preferred route follows the three other alternative routes from Orrington Substation until it reaches Blackman's Stream. From Blackman's Stream, this route follows the Previously Permitted route until Stud Mill Road, at which point it then follows the Consolidated Corridors route until the vicinity of the Maritimes & Northeast Pipeline Baileyville Compressor Station. Near the compressor station, the line deviates to the north of the Consolidated Corridors route to maintain approximately 3600 feet of separation between the transmission line and the Baileyville Compressor Station.

All four alternative routes would cross primarily commercial forest in regrowth. All four alternative routes also would cross 100-year floodplains and wetlands, including some waterfowl and wading bird habitat. The MEPCO South Route would cross the Penobscot River. All alternatives would cross both

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perennial and intermittent streams, and may cross the Machias, East Machias and Narraguagus Rivers or associated tributaries, depending on the alternative. Project activities would include clearing rights-of-way and access roads, digging tower footings, setting transmission towers, seeding/mulching and other erosion control work, and hanging transmission wires.

The EIS will consider the environmental impacts of constructing the proposed transmission line along these alternative routes and the No Action alternative. Under the No Action alternative, the EIS will analyze the impacts associated with "no action." Because the proposed action is the amendment of Presidential Permit PP-89 to allow construction of the proposed transmission line over a different route from that authorized by the permit, "no action" means that the permit would not be amended and that the original permit would remain in effect. This would mean that the proposed transmission line could be constructed only over the Previously Permitted route.

However, the EIS will consider any additional reasonable alternatives that result from comments received in response to the scoping process described in this notice. One alternative already identified by DOE is the rescission of Presidential Permit PP-89. Rescission of the permit would mean that the permitted transmission line could not be constructed. This alternative will address the environmental impacts that are reasonably foreseeable to occur if Presidential Permit PP-89 is rescinded but no new permit is issued. However, this would not necessarily result in maintenance of the status quo or no environmental impacts. It is possible that BHE and/or NB Power may take other actions to achieve the purpose of this project if the permitted or proposed transmission line is not built.

Identification of Environmental Issues

The purpose of this notice is to solicit comments and suggestions for consideration in the preparation of the EIS. As background for public comment, this notice contains a list of potential environmental issues that DOE has tentatively identified for analysis. This list is not intended to be all-inclusive or to imply any predetermination of impacts. Following is a preliminary list of issues that may be analyzed in the EIS:

(1) Socioeconomic and recreational impacts of development of the land tracts and their subsequent uses;

(2) Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats, including the bald eagle, Atlantic salmon, and shortnose sturgeon;

(3) Impacts on floodplains and wetlands;

(4) Impacts on archaeological, cultural, or historic resources;

(5) Impacts on human health and safety;

(6) Impacts on existing and future land uses;

(7) Visual impacts; and

(8) Disproportionately high and adverse impacts on minority and low-income populations, also known as environmental justice considerations.

Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth, and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. The scoping process is intended to involve all interested agencies (Federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Potential cooperating agencies may include but may not be limited to the U.S. Department of the Interior's Fish and Wildlife Service and Bureau of Indian Affairs, the National Marine Fisheries Service, the State of Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers. Public scoping meetings will be held at the locations, dates, and times indicated above under the **DATES** and **ADDRESSES** sections. These scoping meetings will be informal. The presiding officer will establish only those procedures needed to ensure that everyone who wishes to speak has a chance to do so and that DOE understands all issues and comments. Speakers will be allocated approximately 5 minutes for their oral statements. Depending upon the number of persons wishing to speak, the presiding officer may allow longer times for representatives of organizations. Consequently, persons wishing to speak on behalf of an organization should identify that organization in their request to speak. Persons who have not submitted a request to speak in advance may register to speak at the scoping meeting(s), but advance requests are encouraged. Meetings will begin at the times specified and will continue until all those present who wish to participate have had an opportunity to

do so. Should any speaker desire to provide for the record further information that cannot be presented within the designated time, such additional information may be submitted in writing by the date listed in the **DATES** section. Oral, written, and electronic (*i.e.*, by facsimile or by e-mail) comments will be impartially considered and given equal weight by DOE.

Draft EIS Schedule and Availability

The Draft EIS is scheduled to be issued in June 2005, at which time its availability will be announced in the **Federal Register** and local media and public comments again will be solicited. The Draft EIS will be made available for public inspection at several public libraries and reading rooms in Maine, and notice of these locations will be provided in the **Federal Register** and local media at a later date. However, readers are cautioned that many considerations enter into the preparation of the Draft EIS and the actual issuance date may differ from the above.

People who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the Draft EIS for review and comment when it is issued should notify Dr. Pell as provided in the **ADDRESSES** section above.

Issued in Washington, DC, on October 27, 2004.

Steven V. Cary,

Acting Assistant Secretary, Office of Environment, Safety and Health.

[FR Doc. 04-24404 Filed 11-1-04; 8:45 am]

BILLING CODE 6450-01-P